

आदेश की क्रम  
संख्या और तारीख

## आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की गई  
कारवाई के बारे में  
टिप्पणी तारीख के  
साथ

**In The Court Of: Land Reforms Deputy Collector, Arwal.**

Mutation Case No – 03/2018-2019

Arti Kumari –Appellant

Vrs

Ram Govind Tewari- Defendent.

Present- Rakesh Kumar, DCLR

Learned Advocate of appellant.

1. Sri. Dil Chand Sao.

Learned Advocate of Defendent.

1. Sri. Vinod Kumar.

2. Sri. Bali Ram Pathak.

### ORDER

Both the parties appeared in this case & present case is related to

### Schedule

Khata	Plot	Rakwa A-D	Boundary.
52	2045	0-29	-
	2046	0-25	
	813	0-11.625	
		0-65.625	

**Mauza-Amra, PS-Parasi, Anchal+ Dist-Arwal.**

The learned advocate of appellant submitted that land mentioned in schedule was purchased by appellant through registered Deed No-3370 dated 06.07.2017 and there was some mistake in this Deed which was rectified by vendor namely Ramesh Choubey through sale Deed No-4651 dated 26.09.2017. Learned advocate claimed that petitioners came into possession of disputed land since the day of purchase i.e. 06.07.2017 and they have been cultivating it. Learned advocate informed that court below i.e. circle officer Arwal has rejected the application of appellant related

*Arwal*

26-07-2018

to mutation of land mentioned in schedule on 09.11.2017. So being aggrieved the appeal has been filed in this court. Learned advocate claims the order of circle officer, Arwal to be bad, illegal, erroneous and not sustainable in eyes of law as report of Halka Karamchari & Circle Inspector has been ignored which is in favour of appellants. Further, court below ignored the fact that vendor of appellants are none else but 'Nati' of Chhotan Tewari and his mother Sukhia Devi was only daughter of Chhotan Tewari and this Chhotan was the owner of half of share of property left by Julamdhari Tewari & he is also uncle of Ram Govind Tewari (the defendant). Learned advocate also opposed the contention of court below and that of defendants and emphatically said that part payment of consideration amount in sale deed doesn't arrest the passing of title to vendee though this fact has been mentioned in kewala by vendor. He alleged that court below has given wrong interpretation of sub section-13 (6) of mutation Act 2011 and has wrongly passed the order. Learned advocate argued that if defendant claims the lands mentioned in schedule then he should show the kewala, if applicant's vendor's maternal grand father had registered him then it is to be proved by him otherwise defendant can not claim it. Finally learned advocate pleaded for cancellation of order of circle officer, Arwal passed in mutation case No-830/2017-2018.

Learned advocate of defendant submitted that appellant of this case had filed an application through RTPS in relation to disputed land but appellant didn't bring into notice of circle officer about the rectified kewala though she had two kewalas. Further, circle officer clearly mentions that appellant never had

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possession over the disputed land. Further, as per Geneological Table given in record of circle office, it seems that khatiyani raiyat of disputed land was Julamdhari Tewari who had two sons namely Birja Tewari & Chotan Tewari. This Birja Tewari also had two sons namely Sajan Tewari & Ram Govind Tewari. However, Chotan Tewari had only girl child namely Sudhia Devi W/O Shiv Behari Choubey & son of this Sudhia namely Ramesh Choubey is vendor of appelland of this case. Learned advocate said that partition of joint family property had taken place in life of defendant's parents and Late Birja Tewari had received his share through kewala. Further, during marriage of Sudhia Devi, her family had taken money from defendant's family, infact livelihood of Chotan Tewari was taken care by defendant and his father and since that prd, defendant has possession over disputed land and upto date rent receipts are available with defendant. Learned advocate also informed that a Title suit No-31/2018 Arti Kumari & others vrs Ram Govind Tewari is proceeding in court of Sub-Judge-01, Arwal and in this case plots of land involved is same as that of kewala No-4651 dated 26.09.2017 of appelland of this case. Learned advocate also informed that rectified kewala of defendant dated 26.09.2017 is not a basis of mutation rejection as it was not applied in her application in RTPS. Learned advocate reminded that defendant had given an application to this court for enquiry of disputed land in relation to possession of concerning parties. So learned advocate argued that order of learned circle officer Arwal in mutation case No-830/17-18 is correct and he pleaded for rejection of claim of appelland.

Heard the learned advocates & perused the

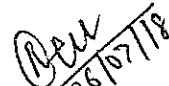
*RAW*

documents available on record, Lower court record is available. After looking these documents it seems that appellant of this case had applied for mutation on basis of kewala No-3370 dated 06.07.2017 and it was rejected due to non-possession of disputed land. However, appellant mentions that kewala No-3370 was rectified by kewala No-4651 dated 26.09.2017 but appellant's basis of mutation is kewala No-3370 and she silent about kewala No-4651. However after argument, defendant showed Photostat copy of order sheet of circle officer, Arwal of case No-1041/17-18 and it means that appellant had applied for mutation on basis of rectified kewala No-4651 also and it was also rejected. Further defendant argued that he has already sold the disputed land through kewala No-4230 dated 25.08.2017 to Phulwanti Devi of village-Suryapura Dist-Rohtas and it was sold prior to rectified kewala of appellant. Moreover, this disputed land has been already mutated in favour of Phulwanti Devi. The defendant also informed that appellant has already filed a Title Suit No-31/2018 in civil court Arwal against defendant & others. So in this situation, this court can not give any relief to appellant. Her claim is rejected and case is dismissed.

Dictated and corrected



Land Reforms Deputy Collector  
Arwal



Land Reforms Deputy Collector  
Arwal.