

आदेश की क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख के साथ															
29-08-2018	<p>In The Court Of: Land Reforms Deputy Collector, Arwal. <u>Case No. 66/ 2016-17</u> Ajay Kumar Ujjwal- applicant Vrs. Rajendra Singh & others- opposite parties Present- Rakesh Kumar, DCLR <u>Learned Advocate of applicant</u> 1. Md. Afsar Hamid. 2. Sri. Ramesh Prasad Singh. <u>Learned Advocate of opposite party.</u> 1. Sri. Arun Kumar. <u>ORDER</u> Both the parties appeared in this case and present case is related to <u>Schedule</u></p> <table border="1" data-bbox="304 1043 1289 1476"> <thead> <tr> <th>Tauzi</th> <th>Khata</th> <th>Plot</th> <th>Area A-D</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td>299</td> <td>87 New 29 Old</td> <td>503 New 85 Old 502 New 85/86 Old</td> <td>01-41 0-02</td> <td>N-Lallan Singh, Uma Singh S/O Late Mahendra Singh, plot No- Haza. S-Mahesh Prasad. E-Pakki Road. W-OP, Plot No-Haza.</td> </tr> <tr> <td></td> <td></td> <td>Total</td> <td>01-43</td> <td></td> </tr> </tbody> </table> <p>Mauza-Mirzapur, PS-Kinjar, Anchal-Karpi, Dist- Arwal. Learned advocate of applicant submitted that land mentioned in schedule is purchased land in name of applicant's mother namely Rajwanti Devi, accordingly 'Jamabandi' was created in her name and rent receipts were issued to her. Learned advocate informed that prior to purchase of this land, an order in case No-</p>	Tauzi	Khata	Plot	Area A-D	Boundary	299	87 New 29 Old	503 New 85 Old 502 New 85/86 Old	01-41 0-02	N-Lallan Singh, Uma Singh S/O Late Mahendra Singh, plot No- Haza. S-Mahesh Prasad. E-Pakki Road. W-OP, Plot No-Haza.			Total	01-43		
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(Signature)

367/78 was passed by "Chakbandi officer" and vendors were Rampravesh Singh, Ganesh Singh & Mohan Singh all S/O Ram Prasad Singh of sakin-kinjar who sold the schedule land through kewala No-1520 dated 19.02.1979 and since that date, applicant is in possession of purchased land in name of her mother. However, learned advocate alleged that opposite parties namely Rajendra Singh, Rajeshwar Singh both S/O Late Deo Nath Singh has illegally come towards the area of applicant which virtually means op's has amalgamated area of applicant in their land. Learned advocate further alleged that op's are against the measurement & demarcation of applicant's land as reportedly applicant's tried to get the disputed land measured through private Amin but op's became aggressive & used filthy language which forced Amin to leave the site. So learned advocate pleaded for measurement & demarcation of land mentioned in schedule, if any illegal & unauthorised dispossession is found then it should be restored to him.

Learned advocate of opposite party submitted written statement on 13 December 2017 and writes that a dispute related to ridge between both the parties exists at spot. So he too requested for measurement of disputed land by any survey knowing advocate commissioner.

However, prior to giving any direction for measurement, this court sought report & view of circle

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officer karpi, who replied vide letter No-668 dated 16.08.2017 & letter No-965 dated 28.12.2017 and accordingly learned advocate commissioner Sri Vashishtha Narain was appointed for this Job and he submitted measurement report on 27.07.2018. Further, learned advocate of both the parties appeared in court and on 02.08.2018, both of them argued for approval of the measurement report.

However, after perusal of measurement report, it is found that survey knowing advocate commissioner has hypothetically partitioned plot No-85 into two parts i.e.A & B and area of these two parts comprises respectively of 289 feet x 149 feet = 43061 sq feet & 284 feet x 66 feet = 18744 square feet i.e. equal to 43061 square feet x 18744 square feet = 61805 square feet i.e. equal to 141.884 desimals. However, measurement report shows that in plot No-86 total area of applicant is 66 feet (L) x 13 feet (B) = 858 square feet i.e. equal to Area of 01.969 desimals which is equal to about 02 desimals. However, measurement report doesn't mention any dispute or dispossession of applicant's land by opposite parties and advocates of both the parties argued for approval of the report. So this situation creates doubts that without any controversy, why applicant filed case in this court for measurement & demarcation and mentions in plaint about aggressiveness of op's at spot. Since advocates of both the parties has mutually agreed for approval of

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the measurement report, So this court approves the report and directs both the parties to abide by it. Further, trace map, sketch map, survey map & notices etc will be part of order and circle officer karpi is being directed to have relook into official records prior to implementation of this measurement report.

Dictated and corrected

Arwal
29/08/18

Land Reforms Deputy Collector
Arwal

Arwal
29/08/18

Land Reforms Deputy Collector
Arwal.