

आदेश की क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी तारीख के साथ																								
20-09-2018	<p align="center">In The Court Of: Land Reforms Deputy Collector, Arwal. <u>Case No. 31/ 2017-18</u> Jwala Prasad Sharma & Others- applicant Vrs. Haji Md. Sadique Ansari & others- opposite parties Present- Rakesh Kumar, DCLR <u>Learned Advocate of applicant</u> 1. Sri. Anil Kumar Sharma. <u>Learned Advocate of opposite party.</u> 1. Md. Afsar Hamid. 2. Sri. Ramesh Prasad Singh.</p> <p align="center"><u>ORDER</u></p> <p>Both the parties appeared at the time of hearing. The present case is related to</p> <p align="center">Schedule-01</p> <table border="1" data-bbox="268 1048 1251 1697"> <thead> <tr> <th>Khata</th> <th>Plot</th> <th>Rakwa A-D</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td>46</td> <td><u>1023</u> 3980</td> <td>0-06</td> <td>N-Opposite Parties. S-Niz. E-Rahman Miyan. W-Niz.</td> </tr> <tr> <td>88</td> <td><u>1023</u> 3981</td> <td>0-11</td> <td>N-Opposite Parties. S-Niz. E-Niz. W-Rameshwar Singh & others.</td> </tr> <tr> <td>46</td> <td>1023</td> <td>0-08</td> <td>N-Niz. S-N.H.-98 E-OP. W-Niz.</td> </tr> </tbody> </table> <p align="center">Schedule-02</p> <table border="1" data-bbox="268 1738 1251 1883"> <thead> <tr> <th>Khata</th> <th>Plot</th> <th>Rakwa A-D</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td>91</td> <td>1025</td> <td>0-31</td> <td></td> </tr> </tbody> </table>	Khata	Plot	Rakwa A-D	Boundary	46	<u>1023</u> 3980	0-06	N-Opposite Parties. S-Niz. E-Rahman Miyan. W-Niz.	88	<u>1023</u> 3981	0-11	N-Opposite Parties. S-Niz. E-Niz. W-Rameshwar Singh & others.	46	1023	0-08	N-Niz. S-N.H.-98 E-OP. W-Niz.	Khata	Plot	Rakwa A-D	Boundary	91	1025	0-31		
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185	1030	0-10 $\frac{1}{2}$	
	926	0-11	

Mauza-Belsar, PS-Mehamediya, Anchal-Kaler, Dist- Arwal.

The learned advocate of applicant submitted that Khata-88, Plot 1023/3981, Rakwa-11 desimals was purchased by late Devjar Kunwar, the mother of applicant through kewala dated 12.02.1974 and other remaining plots mentioned in schedule-01 was purchased by Devpal Singh, the grand father of applicant through kewala dated 10.06.1961. He informed that applicants are altogether four brothers and opposite parties namely Haji Md Sadique Ansari (op-01) and Md Wakil (op-02) are boundary persons. He also stated that last year, measurement was done by Arwal Anchal Amin namely Ravishanker Prasad and it was found that applicant's land doesn't come into the National Highway. Learned advocate further submitted that applicants tried his best to get their land measured & demarcated through private or Govt Amin but op's does not agree to it. Learned advocate while arguing court refuted to claim of op that authority of NH-98 should be made party as applicant's has not got any compensation. Further, he doesn't considers to be a case of Title but it is a case related to measurement. So learned advocate pleaded for measurement & demarcation by this court.

The learned advocate of opposite parties submitted

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that case suffers from misjoinder & nonjoinder of parties as authorities of NH-98 is also a necessary party and applicant has not produced any cogent evidence to prove his claim on disputed land. He said that land mentioned in schedule-02 are op's purchased land and they are in its possession. He alleged that applicant has filed the case to harass the opposite parties. So learned advocate writes in written statement for dismissal of the case. However while arguing in court he too agreed for measurement.

Thus, after listening both the parties and as per their mutual agreement, Sri Ravi Shanker Sinha the Anchal Amin, Arwal was directed to measure & Demarcate the land mentioned in schedules as both the advocates informed that he had earlier measured & demarcated the land related to National Highway. So as per direction, Anchal Amin submitted the report through circle officer kaler's letter No-437 dated 14.07.2018. In the report of para-06, in plot No-1023, Amin has found $(117 \text{ kurry} + 117.5 \text{ kurry}) \div 2 \times \text{Average Breadth } (80 \text{ kurry} + 60 \text{ kurry}) \div 2 = 116.25 \text{ kurry} \times 70 \text{ Kurry} = 8137.5 \text{ Square kurry}$ i.e. Rakwa=08.137 desimals.

Further, in plot No-3981, area-3363.75 Square kurry i.e. Rakwa=03.363 desimals and in plot No-3980 area-2598.75 square kurry i.e. rakwa=02.598 desimal of applicants land and in eastern part of plot No-3980, an area of 375 square kurry i.e. rakwa=0.375 dismal of applicant's land were found at spot.

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It seems that Amin has demarcated the land mentioned in schedule but reports that op's didn't sign the documents Prepared by Amin.

However, in court op has not given any protest petition. So it seems that both the parties are satisfied with the report. So as per demand of applicant, this court approves the measurement report given by Anchal Amin and directs both the parties to abide by this report. Further, "Nazre Naksha" cum attendance sheet & related other documents will be part of order.

Dictated and corrected

Bev
20/09/18

Land Reforms Deputy Collector
Arwal

Bev
20/09/18

Land Reforms Deputy Collector
Arwal.