

| आदेश की क्रम संख्या और तारीख | आदेश और पदाधिकारी का हस्ताक्षर | आदेश पर की गई कारवाई के बारे में टिप्पणी तारीख के साथ | | | | | | | | |
|------------------------------|---|---|--|----------------|----------|-----|-----|--------|--|--|
| 25-10-2018 | <p>In The Court Of: Land Reforms Deputy Collector, Arwal. <u>Case No. 39/ 2017-2018</u> Ramadhar Sharma- applicant Vrs. Ajay Sharma & others- opposite parties Present- Rakesh Kumar, DCLR <u>Learned Advocate of applicant</u> 1. Sri. Bashishtha Narain. <u>Learned Advocate of opposite party.</u> 1. Sri. Manoj Kumar Paswan. 2. Sri. Lallan Kumar.</p> <p style="text-align: center;"><u>ORDER</u></p> <p>Both the parties appeared and present case is related to Schedule</p> <table border="1" data-bbox="287 1003 1268 1384"> <thead> <tr> <th>Khata</th> <th>Plot</th> <th>Rakwa B-K-D</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td>332</td> <td>990</td> <td>0-02-0</td> <td>N-Niz. S-Indra Deo Sharma. (op-03) E-Ajay Sharma & Prince Kumar (op-01 & op-02) W-Nanhak Yadav (op-05) & other (op)</td> </tr> </tbody> </table> <p>Mauza-Kasauti, PS-Karpi (Shahar Telpa), Anchal-Karpi, Dist- Arwal. Learned advocate of applicant submitted that land mentioned in schedule was purchased by applicant's nephews namely Ambuj Kumar & Rajeev Kumar from Rajendra Dusadh S/o Munsu Dusadh through registered kewala No-3065 dated 12.07.1993 and after purchase, applicant's are in possession of that land. Learned advocate said that opposite parties are purchaser's boundary persons as mentioned in boundary of schedule. However, he alleged that op's are trying to grab his land</p> | Khata | Plot | Rakwa B-K-D | Boundary | 332 | 990 | 0-02-0 | N-Niz. S-Indra Deo Sharma. (op-03) E-Ajay Sharma & Prince Kumar (op-01 & op-02) W-Nanhak Yadav (op-05) & other (op) | |
| Khata | Plot | Rakwa B-K-D | Boundary | | | | | | | |
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(Signature)

and they doesn't agree to measurement done by private Amin though applicant's are paying rent to Govt. Learned advocate informed that purchasers of land are in job and doesn't reside in village, so applicant being head 'karta' of family has filed the case on their behalf for measurement & demarcation of land and if dispossession of land or broken ridge are found then it should be restored to purchasers.

Learned advocate of op-01 & op-02 didn't file any written statement but in court stated that they are ready for measurement. Further, Nanhak Yadav (op-05) & Sudama Yadav (op-06) appeared in this case but didn't file written statement where as Indra Deo Sharma (op-03) & Kashi Sharma (op-04) were sent notices through speed post but didn't appear in court. So views of op-03 to 06 could not be known to this court.

However, applicant & OP-01 & OP-02 has agreed for measurement & demarcation of disputed land. So this court directed learned survey knowing advocate commissioner Sri Ram Govind Kumar Singh to measure & demarcate the disputed land. So as per report in disputed khata & plot, there are three purchasers namely (1) Ramadhar Sharma (2) Kashi Sharma (3) Doman Yadav & Radhe Mohan Yadav. So according to report, purchaser Ramadhar Sharma & Kashi Sharma are in possession of their area of land as per their Vasika. However, Doman Yadav & Radha Mohan Yadav has purchased 16 desimals but they are in short of 15 desimals. Further, it has been informed that owner of plot No-990 & plot No-991 are from same lineage & after their partition they have sold their share.

Learned advocate commissioner writes in para-14

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that Ajay Sharma (op-01) has built his house in khesra-990 comprising 9 feet X 72 feet = 648 square feet.

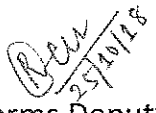
However, in para-07 of report, he has mentioned about Ramadhar Sharma, applicant's area of land i.e. 72 feet (L) X 40 feet (B) = 2880 sq feet = 02 katha 02 dhur (approx).

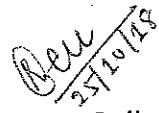
So as per plaint & kewala, applicant is approximately 02 dhur in excess to his possession at spot.

However, this court has received protest petition from Ajay Sharma (op-01) & Prince Kumar (op-02), respectively both father & son and they have alleged that survey knowing advocate commissioner has reported in favour of applicant. They claimed that applicant is in possession of 02 kathas 12 dhur of land. So they wants remeasurement of disputed land.

So here it can surmised that protesters of report may be right. There is possibility that applicant is in possession of more than his purchased land. So in this case, if it is raiyati land then sufferer should approach circle officer, Karpi for remeasurement. If op's feels that there is possibility of Government land to be in possession of applicant then should complain to circle officer karpi for needful action under encroachment act as the fact has not been reported in measurement report.

Dictated and corrected


Land Reforms Deputy Collector
Arwal


Land Reforms Deputy Collector
Arwal.