

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 style="text-align: center;">In The Court Of: Land Reforms Deputy Collector, Arwal. <u>Case No. 15/ 2018-19</u> Ram Daresh Chy - applicant Vrs. Dina Nath Ram- opposite parties Present- Rakesh Kumar, DCLR <u>Learned Advocate of applicant</u> 1. Sri . Vijay Kumar Paswan. <u>Learned Advocate of opposite parties</u> 1. Sri . Anil Kumar Sharma.</p> <p style="text-align: center;"><u>ORDER</u></p> <p>Both the parties appeared at the time of hearing. The present case is related to</p> <p style="text-align: center;">Schedule</p> <table border="1" data-bbox="311 936 1294 1310"> <thead> <tr> <th>Khata</th> <th>Plot</th> <th>Rakwa A- D</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td>84</td> <td>449</td> <td>0-40</td> <td>N-Vishunpat Sao & Siman Saidpur. S-Ram Ekbal Singh. E-Siman Saidpur Baad Ram Avadh Singh. W-Abdul Karim Ansari.</td> </tr> </tbody> </table> <p style="text-align: center;">Mauza-Makhdumabad alias Bichla Gaon, PS-Parasi, Anchal+ Dist-Arwal.</p> <p>The learned advocate of applicant submitted that land mentioned in schedule was purchased by applicant from Ajeet Bahadur Singh S/o Late Jay Nandan Singh of village-Bahadurpur through kewala dated 12.08.2016 and he has rent receipt upto 2018-2019. He informed that Ajeet Bahadur Singh has three brothers namely Ajay Sinha, Akshay Sinha & Avinash Sinha. The land in schedule came into share of applicant's vendor and he has not purchased the land of Akshay Kumar. Learned</p>	Khata	Plot	Rakwa A- D	Boundary	84	449	0-40	N-Vishunpat Sao & Siman Saidpur. S-Ram Ekbal Singh. E-Siman Saidpur Baad Ram Avadh Singh. W-Abdul Karim Ansari.	
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(Signature)

advocate has mentioned in written argument that Akshay Kumar, brother of applicant's vendor is unnecessarily claiming the disputed land and has illegally given the disputed land to opposite party for cultivating it. However, in plaint, applicant mentions that he was in govt job and lived out of village and alleged that op has broken the ridge of applicant's land. So he is apprehensive that op may harvest his planted crops of scheduled land. So wants measurement & demarcation and pillaring of said land as well as possession over disputed land.

The learned advocate of opposite party submitted that land mentioned in schedule is private land of Dr. Akshay Kumar Sinha S/O Late Jay Nandan Singh and this fact has not been mentioned by applicant. He claimed that during the life time of Dr. Akshay's father, all four brothers had partitioned their property and land mentioned in schedule came into share of Dr. Akshay and accordingly demand was created in this name & he is paying rent to Govt of Bihar. Learned advocate informed that Dr. Akshay had met an accident about 15 yrs ago in which he lost both the legs, so he has given the disputed land for cultivation to Dina Nath Ram, op of this case. Learned advocate challenged the authority of applicant's vendor to sale the disputed land and alleged that applicant has purchased the land based on forged document from a non-title holder of said land. He claimed that applicant never had possession over disputed land and about rent receipt of applicant, he stated that Dr. Akshay had never received any notice from circle office. Learned advocate said that relief sought by applicant is related to measurement but it is not a border disputed, so it

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can not be given under BLDR Act. Learned advocate considers it to be case related to complex question of Title. So he pleaded for dismissal of the case.

Heard the record advocates of both the parties & perused the documents available on record. Applicant has submitted photocopies of kewala, rent receipts and op has not submitted any document. So after looking the aspect both the parties it seems that applicant doesn't have possession over his purchased land as his statement in written statements & written argument is contradictory and it seems that there is dispute related to partition share among brothers of applicant's vendor. So until clear picture related to partition of Late Jay Nandan Singh's progenee comes to court, no relief can be given to applicant.

Dictated and corrected

Beal
27/10/18

Land Reforms Deputy Collector
Arwal

Beal
27/10/18

Land Reforms Deputy Collector
Arwal.