

आदेश की क्रम संख्या और तारीख	<b>आदेश और पदाधिकारी का हस्ताक्षर</b>	आदेश पर की गई कारवाई के बारे में दिप्पणी तारीख के साथ								
25-10-2018	<p style="text-align: center;"><b>In The Court Of: Land Reforms Deputy Collector, Arwal.</b>  <b><u>Case No. 41/2017-18</u></b>  <b>Puniya Devi- applicant</b>  <b>&amp; Others</b>  <b>Vrs.</b></p> <p style="text-align: center;"><b>Kishun Manjhi &amp; Others- opposite parties</b>  <b>Present:- Rakesh Kumar, DCLR</b>  <b><u>Learned Advocate of applicant</u></b>  <b>1. Sri . Ram Uday Upadhyay.</b>  <b>2. Sri. Satish Chandra Jyoti.</b>  <b><u>Learned Advocate of Opposite</u></b>  <b>1. Sri. Bashishtha Narayan.</b></p> <p style="text-align: center;"><b><u>ORDER</u></b></p> <p>Both the parties appeared at the time of hearing. The present case is related to</p> <p style="text-align: center;"><b>Schedule</b></p> <table border="1" data-bbox="319 985 1300 1355"> <thead> <tr> <th>Khata</th> <th>Plot</th> <th>Rakwa A-D</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td>13</td> <td>851</td> <td>0-05 (out of it <math>2\frac{1}{2}</math> desimals janib Dakshin Taraf)</td> <td>N-Badri Manjhi (op ka makan) S-Dukh Devan Manjhi ka Zamin. E-Nanhe Manjhi. W-Shanker Manjhi.</td> </tr> </tbody> </table> <p style="text-align: center;"><b>Mauza-Khajuri, PS+ Anchal-Karpi, Dist-Arwal.</b></p> <p>Learned advocate of applicant submitted on behalf of Puniya Devi W/O Ramvilas Manjhi D/O Chanarik Manjhi and Sushila Devi W/O Ram Deo Manjhi D/O Chanarik Manjhi that land mentioned in schedule is khatiani land of both the parties. Learned advocate submitted the Geneological Table (GT) of the family</p>	Khata	Plot	Rakwa A-D	Boundary	13	851	0-05 (out of it $2\frac{1}{2}$ desimals janib Dakshin Taraf)	N-Badri Manjhi (op ka makan) S-Dukh Devan Manjhi ka Zamin. E-Nanhe Manjhi. W-Shanker Manjhi.	
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and said that both parties are progenee of late Sanichar Manjhi but applicants doesn't have brother. Learned advocate stated that opposite parties namely Kishun Manjhi (op-01) & Badri Manjhi (op-02) both S/O Ram Vishun Manjhi has constructed houses on their share of land comprising  $2\frac{1}{2}$  desimals but they are creating hindrance on remaining  $2\frac{1}{2}$  desimals which is of applicant. Learned advocate claimed that applicants has a room on spot & remaining area is used by them as "Sahan". Learned advocate quoted the GT issued by circle officer karpri and said that late Sanichar Manjhi had one son namely Late Mahadev who in turn had two sons namely Jageshwar Mankhi & Late Bhuneshwar Manjhi. The Late Jageshwar had one son namely Late Chanarik Manjhi and his daughters are applicants. However, Late Bhuneshwar Manjhi had two sons namely Late Ramvishun Manjhi & Somaru Manjhi F/O Bitan Manjhi. However, Late Ramvishun Manjhi had two sons namely Badri Manjhi (op) & Kishun Manjhi (op). So based on this GT applicants are claiming their share on land. However, applicant is silent on Bitan Manjhi. Learned advocate while arguing in court said that

documents related to paying dues under certificate case by ancestor of op seems to be forged. He claimed that dues were paid by ancestors of both the parties. Finally, he pleaded for measurement & demarcation of disputed land. Further, if dispossession is found then it should be restored to applicants.

Learned advocate of op has narrated in detail about the disputed land & Genealogical Table of joint family. He said that GT produced by applicant was incorrect and C.O karpi has issued GT on application of op. He claimed that as per old survey khatiyani, it is in name of Jaikaran S/O Naga & Sanichar S/O Dasha as equal share holder and "Makan Mai Sahan". Further, he claimed that ancestor of applicants namely Chanarik Manjhi had given his property to his cousin namely Ram Vishun Manjhi & there after left his village for settlement to another village singhara Kocha. Further, loan received by Chanarik was also reimbursed to Govt by Ram Vishun Manjhi. Later, disputed land was partitioned into Ramvishun Manjhi & Somaru Manjhi and accordingly from Northern side Somaru Manjhi received  $2\frac{1}{2}$  desimals & remaining  $2\frac{1}{2}$  desimals from Southern side by Ram Vishun Manjhi. However, after their demise op-01 & 02 and Bitan Manjhi are in peaceful possession of disputed land. Learned advocate while arguing in court said that case filed by applicant is not full proofed. He said that applicant's late father had

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left village in 1967 and now they are claiming share in father's name can not be found in voter list, family list, BPL list etc. He accepted that applicants are from their lineage but they are not even aware about GT of family. Further, this case is barred by limitation Act. Learned advocate claimed that op's are in full possession of disputed land which can be enquired by inspecting spot. Finally, pleaded for dismissal of the case.

Heard the learned advocates of both the parties & perused the documents available on record. Applicant has submitted photocopy of khatiyan where as op has submitted GT issued by circle officer karpal vide letter No-73 dated 23.05.2018. So after looking these documents, it is found that applicants were unaware about Geneological Table of the family. Further, it can be said that applicant's doesn't have possession and they are married off to some other villages but now they are claiming share in their parental property. so this case involves issues which are beyond jurisdiction of this court. So this court can not give any relief to applicant.

Dictated and corrected

*(Signature)*  
23/05/18

Land Reforms Deputy Collector  
Arwal

*(Signature)*  
23/05/18

Land Reforms Deputy Collector  
Arwal