

आदेश की क्रमांक और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी तारीख के साथ																				
12-2018	<p style="text-align: center;">आदेश और पदाधिकारी का हस्ताक्षर</p> <p style="text-align: center;">In The Court Of: Land Reforms Deputy Collector, Arwal. Case No. 06 / 2017-18 Gauri Devi- applicant Vrs. Shiv Kumar Ram & others- opposite parties. Present- Rakesh Kumar, DCLR <u>Learned Advocate of applicant</u> 1. Md. Suhail Akhtar. <u>Learned Advocate of opposite parties</u> 1. Sri. Satyendra Kumar. 2. Sri. Nagendra Sinha.</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="363 996 1305 1288"> <thead> <tr> <th>Khata</th> <th>Khesra</th> <th>Rakwa A-D.</th> <th>Boundary</th> </tr> </thead> <tbody> <tr> <td>192/104</td> <td>285/153</td> <td>0-05</td> <td>N- Yogendra Sao</td> </tr> <tr> <td>194/104</td> <td>286/51</td> <td>-</td> <td>S- Opposite parties.</td> </tr> <tr> <td>116</td> <td>192</td> <td>0-0$\frac{1}{2}$</td> <td>E- Jag Deep Ram.</td> </tr> <tr> <td>116</td> <td>194</td> <td>0-02</td> <td>W- Chart</td> </tr> </tbody> </table> <p>Mauza -Saidpur, P.S.-Parasi, Anchal+ Dist- Arwal.</p> <p>The learned advocate of applicant submitted that land mentioned in schedule as per plot No-285/153 & 286/51 miljumala comprising an area of 05 desimals was purchased through kewala dated 12.11.1990 and that of plot No-192 & 194, total area 2$\frac{1}{2}$ desimals was purchased on 13.03.1996. Learned advocate said that on the land mentioned in schedule, applicant constructed building after leaving $\frac{1}{2}$ desimals of area in</p>	Khata	Khesra	Rakwa A-D.	Boundary	192/104	285/153	0-05	N- Yogendra Sao	194/104	286/51	-	S- Opposite parties.	116	192	0-0 $\frac{1}{2}$	E- Jag Deep Ram.	116	194	0-02	W- Chart	
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(Signature)

southern side and in this portion of area, applicant has stretched out balcony "Chchajja". However, learned advocate alleged that opposite parties namely Shiv Kumar Ram (op-01) and Shiv Raj Ram (op-02) are trying to erect the wall in land of applicant. Learned advocate while arguing in court alleged that op was "Nyay mitra" so he had taken measurement report in his favour in court of Gram kutch-hary and while replying to opposite party stated that nature of his purchased land has changed and supported the view of op that at the time of purchase, one plot was Homestead and another was agricultural land. So learned advocate pleaded for measurement & demarcation of applicant's land mentioned in schedule.

The learned advocate of opposite parties submitted that applicant is aggressive in nature and refuted her claim that an area of $\frac{1}{2}$ decimal has been left by her for erecting out balcony of her building. Learned advocate narrated the proceeding related to Gram kutch-hary and claimed that as per report of Amin, mentioned plot of applicant doesn't match with map, so once Gram kutch-hary has reported the fact, so applicant has unnecessarily filed the case in this court. Learned advocate has mentioned about his purchased land and claimed that op has not dispossessed the applicant. So learned advocate pleaded for dismissal of the case.

Heard the learned advocates of both the parties

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& perused the documents available on record. Applicant has submitted kewala where as op has submitted kewalas & order of Gram kutch-hary. After looking these documents it is found that Amin deputed by Gram kutch-hary could not find the disputed area of land between two parties as plot of disputed land didn't match the map. However, applicant alleges that op being "Nyay Mitra" has influenced the decision of Amin & sarpanch. So in such a situation this court directed survey knowing advocate commissioner Sri PC Maharaj to measure & demarcate the land mentioned in schedule and accordingly he submitted the report to this court. The learned advocate of applicant pleaded that claim of applicant is sustained by measurement report and op is forcely trying to erect boundary wall in land of applicant and still at an area of 0.74 desimals are barren at spot. However, opposite party didn't turn up in court to express their view on measurement report though they were given sufficient time.

However, after looking the measurement report, it is found that in plot No-192, first party has purchased an area of 05.05 desimals = 2395.8 sq feet of land but he is in short of an area of 102.8 sq feet where as opposite party has purchased an area of 10.00 desimals in plot No-192 but they are in possession of 10.74 desimals. It means op's has grabed more than his purchased area. The learned survey knowing advocate commissioner recommends that applicant can be given

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"Chchajja" one & half feet (1.5) towards southern side from land of opposite party then it will compensate the applicant.

So over all, it can be said that measurement report justifies the claim of applicant and it is found that op has dispossessed applicant from an area of 0.74 desimals. So op should obliged applicant by leaving an area of 0.74 desimals in southern side as per direction of survey knowing advocate commissioner. Further, measurement report, sketch map, attendance sheet & other documents will be part of order.

Dictated and corrected

Beu
27/12/18
Land Reforms Deputy Collector
Arwal

Beu
27/12/18
Land Reforms Deputy Collector
Arwal.