

In The Court of Commissioner, Saran Division, Chapra
B.L.D.R. Appeal No. 187/2016
Ramsurat Ram
Vrs.
Ram Bilash Ram & ors.

ORDER

The instant appeal petition is directed against the impugned order passed by DCLR, Hathua in Land Dispute case No. 06/2016-17 on 28.07.2016.

The brief facts of the case are that the present respondent Ram Bilash Ram & Ors. S/o Late Sukhari Ram, R/o Vill-Pipra, P.S-Vijayeeupur, Dist-Gopalganj filed a case before DCLR, Hathua u/s 4(A) of Bihar Land Dispute Resolution Act-2009. In the said case the present appellant was made as o.ps. In the said case the relief sought for by the petitioner (present respondent) was that a piece of land measuring 3 decimal of katha No. 65, khesera No. 153 situated in Mouza Pipra was settled to his father Sukhari Ram on the basis of settlement proceeding by Govt. and accordingly jamabandi No. 144 was created on which the present appellant (o.p. before DCLR) has forcibly disposed them by putting a Palani as such the said land be measured and possession be ensured. Thereafter the learned DCLR after hearing the parties finally vide order dt. 28.07.2016 allowed the said case and directed the concerned C.O. to ensure the delivery of possession to the descendants of the settlee. Feeling aggrieved by the said order, the present appellant has preferred the instant appeal case before this Court.

Heard.

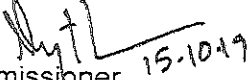
The learned counsel appearing for both the parties forwarded their arguments in support of their respective claim and counter claim and they also admitted the fact that dispute amongst them is related to settlement of 3 (three) decimal of land by the Govt. over which their possession is existing.


Considering the facts and circumstances of the case, materials available on record, pleadings advanced by the learned counsel for the parties and on perusal of the impugned order, it is seen that in the instant case the dispute between the parties relates to their respective claim over the disputed land on the basis of settlement. In fact, it appears that the dispute between the parties relates to their respective possession over the area of the disputed land also. The claim of appellant is solely based on the ground that a settlement proceeding for the settlement of said land in his favour was initiated by circle office in the year 1993-94 as such his claim is valid. On the other hand, the claim of the respondent is that the said land was settled to his father Sukhari Ram and ever since then they have been coming in possession over the said land. It is seen that the learned DCLR after carefully considering each and every aspects of the case appropriately finally arrived at the conclusion that the claim of the present respondents (petitioner before DCLR) is legal and valid. The findings of the learned DCLR reads thus:-

“ उभय पक्ष को सुनने प्रस्तुत दस्तावेजी साक्ष्यों का अवलोकन करने से स्पष्ट है कि प्रथमपक्ष के सुझारी राम को प्रश्नगत जमीन बन्दोवस्ती से प्राप्त है। जमाबंदी संख्या-144 बनाम सुझारी राम कायम है। जबकि प्रतिवादी को उक्त जमीन के संबंध में किसी प्रकार का विधिक बन्दोवस्ती परवाना प्राप्त नहीं है साथ ही प्रतिवादी को जमाबंदी भी कायम नहीं है। अद्युटे अभिलेख के आधार पर प्रतिवादी का दावा विधि मान्य नहीं है। उक्त परिपेक्ष्य में प्रस्तुत वाद को स्वीकृत किया जाता है। अंचल अधिकारी विजयीपुर को आदेश है कि अंचल अमीन द्वारा किए गए मापी एवं सीमांकन के अनुरूप बन्दोवस्तीधारी सुझारी राम के हाल वारीसान को दखल-कब्जा सुनिश्चित किया जाय।”

For the aforementioned reasons, the impugned order is upheld and this revision petition being devoid of any merit is dismissed accordingly.

Dictated and Corrected by me.


Commissioner 15-10-19
Saran Division, Chapra.


Commissioner
Saran Division, Chapra.