

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1485 of 2016**

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The State Of Bihar & Ors

.... Petitioner/s

Versus

Lakshman Prasad Singh & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar Bhagat

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

3 22-12-2016 Heard the learned counsel, Mr. Abdul Kalam, A.C. to
A.A.G. 12 on behalf of the State-petitioners.

By the impugned order dated 04.02.2016, the learned Sub Judge III, Munger in Title Suit No.28 of 2014/36 of 2014 appointed Survey Knowing Pleader Commissioner to ascertain whether there is encroachment as alleged by the petitioner in respect to the Plot No.758.

It may be mentioned that the plaintiff filed suit for declaration of tile wherein the defendant-petitioner alleged that in fact, the plaintiff has encroached the public land i.e. Plot No.758. This is an issue between the parties as to whether there is any encroachment or not. In such circumstances, the Court below has appointed the Pleader Commissioner to ascertain whether there is any encroachment in Plot No.758 by the plaintiff or not.

Therefore, merely because the Court below has



appointed the Pleader Commissioner, in no way, it can be said that the petitioner is prejudiced by the same or it occasioned failure of justice or that the order passed by the Court below is in the manner not permitted by law or that the appointment of the Pleader Commissioner is not necessary particularly when the question of encroachment is alleged by the petitioners itself.

Thus, I find no jurisdictional error in the impugned order and as such, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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