

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10061 of 2015

=====

Satya Narayan Yadav & Anr

.... Petitioner/s

Versus

Binod Sah & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 20-06-2016

Heard the learned counsel, Mr. Rajib Ranjan Jha for the petitioners and the learned counsel, Mr. Abinash Kumar for the respondents.

By the impugned order dated 23.05.2015, the learned Sub Judge I, Darbhanga rejected the application filed by the petitioners for appointment of Survey Knowing Pleading Commissioner in Survey Appeal No.7 of 2012.

It appears that application under Section 106 of the Bihar Tenancy Act was filed by the respondents for correction of the record of right. The said application was allowed and against that order, the petitioners have filed Survey Appeal No.7 of 2012. In this appeal, application has been filed for appointment of Survey Knowing Pleader Commissioner. The Court below held that the Bihar Tenancy Act is a complete Code itself and, therefore, the appellate court is to decide the validity or otherwise

of the order passed by the settlement officer. The appellate court, therefore, cannot act as a trial court.

In my opinion, the Court below has rightly assigned the reason and rejected the application. Therefore, it is not a case for interference in supervisory jurisdiction.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

U		T	
---	--	---	--