

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16763 of 2014

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Ibadat Hussain

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Zainul Abedin

For the Respondent/s : Mr. Sc23- Kumar Priyaranjan

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 21-01-2016 Heard learned counsel for the petitioner and learned
counsel for the respondents.

This application under Article 227 of the Constitution of India has been filed by the judgment-debtor against the order dated 08.09.2014 passed by the Execution Court (Munsif, Bagaha, West Champaran) in Execution Case No.05 of 1986.

It appears that the plaintiff filed the suit for declaration of title and recovery of possession. The suit was decreed. Thereafter the plaintiff filed execution case for delivery of possession of the suit property. In that execution case an application was filed by the present petitioner for appointment of *amin* and measurement of the suit property. The court below by the impugned order held that earlier several times order was passed for delivery of possession but because of the objection by the judgment debtor the delivery of possession could not be given.

The survey knowing Pleader Commissioner had already measured the land and, therefore, further *anchal amin* is not necessary to be appointed for measurement again.

In view of the observation of the court below that there is already measurement done by a survey knowing Pleader Commissioner hence there is no question of appointment of *amin* again for measurement, the impugned order needs no interference in supervisory jurisdiction under Article 227 of the Constitution of India. If in fact the petitioner has got title over the property on which now he is claiming in the execution case, he may approach appropriate forum by initiating appropriate proceeding, if not already approached earlier.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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