

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.2 of 2016**

Meera Shahi

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Shanker Pankaj

For the Respondent/s : Mr. Raju Giri- Gp30

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

2 06-05-2016

Heard, Mr. Dronacharya, learned counsel, appearing for the petitioner and Mrs. Aditi Ansaria, A.C. to G.P.-30, appearing for the State-respondents.

2. The plaintiff-petitioner filed the suit for declaration that the entry in the name of the State of Bihar in *Khatiyani* is wrong. The defendants-state authorities filed written statement claiming that, in fact, the suit property was *Parti* land and vested in the State of Bihar. The court below on the basis of the evidences and the materials dismissed the plaintiff's suit recording finding that there is no dispute that the suit property was *Parti* land. Therefore, the suit property vested in the State of Bihar after abolition of the Zamindari in the year 1956. In the appeal, amendment application has been filed by the appellant-petitioner to the effect that, in fact, the land is not *Parti* that there is *Pokhar* and private Mandir of the plaintiff. The court below, by the

impugned order, rejected the application on the ground that if the amendment is allowed, there will be *de novo* trial. According to the court below, the Pleader Commissioner's report is available on the record, therefore, since it is a piece of evidence, the same can be considered at the time of hearing of the appeal.

3. Perused the judgment passed by the trial court, which has been annexed as Annexure-1 to this writ application. From perusal of the judgment, it appears that the nature of the land was admitted to be *Parti* land. The only question to be decided is whether the land vested in the State of Bihar or not in the year 1956. The relief claimed by the plaintiff that the entry in the name of the State of Bihar in the record of right is wrong. Therefore, the learned court below considering all these aspects of the matter has held that the plaintiff is now trying to introduce entirely new pleading, which is contradictory to the original.

4. In such view of the matter, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction under Article 227 of the Constitution of India. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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