

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16002 of 2013

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Most. Pavitra Kuer W/O Late Birendra Singh Resident Of Village - Takiya
Sasaram, P.O. & P.S. Sasaram, District - Rohtas (Sasaram)

.... Petitioner

Versus

1. The State Of Bihar Through Collector, Rohtas, District - Rohtas
2. The Anchal Adhikari, Sasaram, District - Rohtas
3. The Executive Engineer, P.W.D.Sasaram, District - Rohtas
4. Rabindra Prasad Singh Son Of Late Sudama Pasad Resident Of Village -
Takiya, P.O. & P.S. Sasaram, District - Rohtas
5. Mahendra Prasad Son Of Late Sudama Prasad Resident Of Village - Takiya,
P.O. & P.S. Sasaram, District - Rohtas
6. Most. Nimala Kuer W/O Late Ramchandra Singh Resident Of Village - Takiya,
P.O. & P.S. Sasaram, District - Rohtas
7. Raji Nandan Singh Son Of Late Ramchandra Singh Resident Of Village -
Takiya, P.O. & P.S. Sasaram, District - Rohtas
8. Ranjan Kumar Singh Son Of Late Ramchandra Singh Resident Of Village -
Takiya, P.O. & P.S. Sasaram, District - Rohtas
9. Sanjeev Kumar Singh Son Of Late Ramchandra Singh Resident Of Village -
Takiya, P.O. & P.S. Sasaram, District - Rohtas
10. Prayag Singh S/O Late Gopal Singh Resident Of Village - Takiya, P.O. & P.S.
Sasaram, District - Rohtas
11. Sudarshan Singh S/O Late Ram Pyare Singh Resident Of Village - Takiya,
P.O. & P.S. Sasaram, District - Rohtas
12. Most. Kalawati Kumar W/O Late Mahendra Singh Resident Of Village -
Takiya, P.O. & P.S. Sasaram, District – Rohtas

.... Respondents

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Appearance :

For the Petitioner/s : Mr. RAMESHWAR SINGH
For the Respondent/s : Mr. ANJANI KUMAR

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT



Date: 31-01-2017

Heard the learned counsel for the petitioner.

By the impugned order, the learned court below has rejected the prayer of the plaintiff for appointment of a survey knowing pleader commissioner for submitting a report on the points suggested by the plaintiff in the petition.

The learned counsel for the petitioner has submitted that the petitioner has filed a simple suit for declaration that the survey entries with regard to the suit land which also contains the house of the petitioner has been wrongly prepared. It has been further submitted that the learned court below ought to have appointed a pleader commissioner to submit a report as suggested by the plaintiff.

After considering the submissions and the perusal of the impugned order, it is manifest that the plaintiff has filed the suit seeking the relief that the survey entry with regard to the suit land containing the house of the plaintiff as well has been wrongly made. It is well settled that the plaintiff has to stand on his own legs and has to prove his case as pleaded on the basis of cogent evidence. The prayer for appointment of a pleader commissioner as made by the plaintiff is clearly for gathering evidence and the learned court below has rightly rejected the prayer on the said ground. This Court does not find it a fit case for invoking the jurisdiction under Article 227 of the



Constitution of India for interdicting the impugned order.

The application is, accordingly, dismissed.

However, the plaintiff shall be at liberty to lead his evidence in accordance with law which may include report and examination of his own survey knowing expert in accordance with law.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.02.2017
Transmission Date	

