

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.599 of 2022

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Ajay Prasad Son of Late Harihar Sah Resident of Village-Areraj, P.O.-Areraj,
P.S.-Govindganj, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The District Collector, East Champaran at Motihari,
3. The Circle Officer, Areraj, District-East Champaran.
4. Mahant Ravi Shankar Giri Disciple of Late Mahant Shivanand Giri,
Resident of Areraj, P.O.-Areraj, District-East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhurendra Kumar, Adv.
For the Respondent/s	:	None

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioner.

2. By the impugned order dated 05.09.2019 passed by learned Munsif, Areraj, Distt-East Champaran in Eviction Suit No. 02/2016, the petition for appointment of pleader commissioner, has been rejected.

3. Respendent No.4/plaintiff filed the Eviction Suit against the petitioner on the ground of default in payment of rent, and on the ground that suit property is in dilapidated condition.

4. Learned counsel for the petitioner submits that the petitioner being a tenant filed a petition for appointment of pleader commissioner for verification of the physical feature of



the shop and further that the suit premises does not belong to the Respondent No. 4/plaintiff inasmuch as he has no right title and ownership upon the suit premises. According to him, after vesting of *Zamindaari* in the State of Bihar, the State of Bihar is the authorized holder of the land and property.

5. From perusal of the plaint, it transpires that the suit property/tenanted premises has been described in Schedule-I of the plaint. Further whether the relationship of the landlord and the tenant between the parties is there or not, will be an issue to be decided in the suit.

6. Accordingly, in my opinion, there is no necessity to appoint a pleader commissioner for verification of physical feature of the shop/tenanted premises. That being so, this application is, hereby, dismissed.

(Anil Kumar Sinha, J)

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