

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1247 of 2018

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Munnilal Sah @ Munilal Sah Son of Late Bachchu Sah, Resident of Mohalla-Christian Quarter, Noniyatoli, Ward No.7, Bettiah, P.S.- Bettiah Town, District- West Champaran.

... .. Petitioner/s

Versus

1. Akash Kumar Keshan and Ors Son of Shrawan Kumar Keshan, Resident of Mohalla- Kamalnath Nagar, P.S.- Bettiah Town, District- West Champaran.
2. The State of Bihar, through the Collector, West Champaran at Bettiah.
3. The Collector, West Champaran, Bettiah, P.S.- Bettiah Town, District- West Champaran.
4. Board of Revenue, Old Secretariat, Bihar, Patna.
5. The Manager, Bettiah Estate, Bettiah, P.S.- Bettiah Town, District- West Champaran.
6. Sub-Divisional Officer, Bettiah Sadar, P.S.- Bettiah Town, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binay Kant Mani Tripathi
For the Respondent/s : Mr.Sajid Salim Khan -Sc25

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

13 28-08-2023 Heard the parties.

2. This application has been filed for quashing the order dated 06.04.2018 passed by the learned Judicial Magistrate, 1st Class-cum-Additional Munsif, Bettiah, West Champaran in Title Suit No. 82 of 2012 by which the application of the petitioner for appointment of Commissioner for holding local inspection was rejected.

3. From reading of the petition filed by the petitioner, it appears that the petitioner wants the Survey Knowing



Advocate Commissioner to collect evidence which is not permissible in law.

4. The petitioner can lead evidence in support of his case but the Survey Knowing Advocate Commissioner cannot be sent by the Judicial Magistrate, 1st Class-cum-Additional Munsif for calculating the evidence.

5. In view of the above facts, this Court finds no merit in this application.

6. Accordingly, this application is dismissed.

7. The petitioner can lead evidence in support of his case by examining the witnesses.

(Sandeep Kumar, J)

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