

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1303 of 2024

Manmohini Biswas D/o Late Bipin Bihari Biswas Resident of Village Bheriahari Colony, P.O- Lakshmipur Bheriahari, P.S.- Valmiki Nagar, District - West Champaran, Bihar.

... .. Petitioner/s

Versus

1. Sri Vimal Krishna Biswas Son of Late Bipin Bihari Biswas resident of village Bheriahari Colony P.O-Lakshmipur, Bheriahari, P.S- Valmiki Nagar, District - West Champaran, Bihar.
2. Jay Narayan Prasad Survey knowing Advocate Commissioner Civil Court, Bettiah, District-East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-12-2024 Record being taken up on mentioning being made on behalf of the petitioner.

2. The petitioner has approached this Court seeking direction to the Survey Knowing Advocate Commissioner to complete the pattibandi of the property mentioned in schedule I of the petition.

3. Learned counsel for the petitioner submits that the petition has filed a petition under Section 151 of the Code of Civil Procedure before the learned trial court seeking the same relief with prayer that the Survey Knowing Advocate Commissioner be directed to submit his report within stipulated



time, otherwise another Advocate Commissioner might be appointed.

4. If the petition of the petitioner is already pending before the learned trial court, the present petition is premature. Moreover, the relief which has been sought before this Court could not lie within the purview of Article 227 of the Constitution of India. In any case, the learned Munsif, Bagaha, West Champaran, where the petition of the petitioner has been pending, is directed to dispose of the same within two weeks from the date of receipt/production of a copy of this order.

5. With the aforesaid direction, the present petition stands disposed of.

(Arun Kumar Jha, J)

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