

In The Court of Commissioner, Saran Division, Chapra
B.L.D.R. Appeal No. 204/2016

Gyani Paswan

Vrs.

Ramesh Ram & ors.

ORDER

The instant appeal petition is directed against the impugned order passed by DCLR, Sonpur in Land Dispute case No. 103/2012-13 on 10.02.2016.

The brief facts of the case are that the present respondent Ramesh Ram S/o Dhaneshwar Ram and some others, all R/o Vill-Barbanna, P.S. & Circle-Dighwara, Dist-Saran filed a case before DCLR, Sonpur under the provision of Bihar Land Dispute Resolution Act, 2009 in which the present appellant and some others were impleaded as o.ps. In the said case the petitioner (present appellant) sought relief to the extent that the land settled to them earlier by the govt. be measured by a survey Knowing Commissioner and after that pillars be erected on all corners. Thereafter, the learned DCLR appointed one Binay Murari Mishra as survey Knowing Advocate to get measure the land of khata No. 517 plot No. 3111 and further to submit his report. The said survey knowing Advocate, after measurement submitted his report and then the learned DCLR after hearing the parties finally vide order dt. 10.02.2016 confirmed the said measurement report and closed the proceeding. Feeling aggrieved by the said order, the present appellants (o.ps before DCLR) have preferred the instant appeal case before this Court.

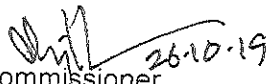
Heard the learned counsel for the appellant only as the learned counsel for the respondents remained absent despite being given last chance earlier.

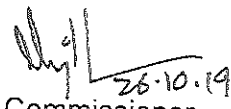
The learned counsel appearing on behalf of the appellant while assailing the impugned order, submitted that the same is illegal and without jurisdiction. He further argued in detail about the present status of land as well about his claim over the said disputed land. The learned counsel also submitted that the learned DCLR without considering, the case of the appellant has passed the impugned order which is liable to be set aside and this appeal petition be allowed.

Considering the facts and circumstances of the case, material available on records, pleadings advanced by the learned counsel for the appellant and on perusal of the impugned order, it is seen that the learned DCLR after carefully considering each and every aspects of the case and by appreciating the entry made in Register-II with respect to the disputed land, finally arrived at his finding which led to confirmation of the measurement report submitted by survey knowing advocate. I do not find any apparent infirmity and illegality in the said findings of learned DCLR. On the other hand, the learned counsel for the appellant failed to set forth any reasonable grounds to enable this Court to make any interference in the impugned order. As such the impugned order is upheld.

This appeal petition lacking merit is dismissed accordingly.

Dictated and Corrected by me.


Commissioner
Saran Division, Chapra.


Commissioner
Saran Division, Chapra.