

**In The Court of Commissioner, Saran Division, Chapra  
B.L.D.R. Appeal No. 206/2012**

**Ram Sagar Manjhi & ors.  
Vrs.  
Sheela Devi & ors.**

**ORDER**

17-10-2015— The instant appeal petition is directed against the impugned order passed by DCLR, Chapra Sadar in Demarcation case No. 37/2010-11 on 27.06.2012.

The brief facts of the case are that the present appellants filed a demarcation case No. 37/2010-11 before DCLR, Chapra Sadar under the provision of BLDR Act-2009 for demarcation of the land of khata No. 14, plot No. 206 area 1 katha 12 dhur situated in village Rampur, P.S.-Rasulpur, Dist-Saran. Thereafter, the learned DCLR after hearing the parties finally vide order dt. 27.06.2012 confirmed the report submitted by survey knowing Commissioner and disposed the case. Feeling aggrieved by the said order, the present respondents have preferred this Appeal before this Court.

Heard the parties.

The learned counsel appearing on behalf of the appellants while assailing the impugned order of DCLR submitted that soon after filing of demarcation case by the appellants, the DCLR called for a report from C.O. Ekama who submitted a false report stating therein that in Basgit Parcha case No. 10/1968-69 it was wrongly mentioned in parcha the number of plot to be 206 instead of 207. He further argued that the learned DCLR without hearing the appellants confirmed the unscientific report submitted by the survey knowing Commissioner and hence the impugned order is not fit to be upheld rather the same is fit to be dismissed.

The learned counsel appearing on behalf of the respondent submitted that the instant appeal is not maintainable either in law or on facts and furthermore, the appellant has no valid cause of action to file this appeal. He further submitted that the learned DCLR ordered for the appointment of survey knowing Commissioner who after measuring the land scientifically demarcated the area 1 katha 12 dhur extreme north-East in khata No. 14, plot No. 206 and filed report on 21.05.2012 and on that report no objection was filed by the appellants and as a result the same was confirmed. He also argued that the grand father of respondent Ram Brish Mehara, got parcha in respect of khata No. 14, plot No. 206, area 1 katha 12 dhur in extreme east-north of the plot through case No. 08/68-69 and took possession and after his death the present respondent came in possession. He also strongly argued that the appellant is stranger with respect to plot No. 206 and got no right, title and possession over plot No. 206 and hence the instant appeal is fit to be dismissed.

Considering the facts and circumstances of the case, material available on records, claims and counter-claims made by the learned counsel for the parties and on perusal of the impugned order it is quite evident that both parties stake their claim over the land in question on the ground of being the parcha holder with respect to the said

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land. It is also obvious that the present respondent had filed the demarcation case before DCLR for the measurement of the said land and the learned DCLR has also passed the order for the appointment of a survey knowing Commissioner and later on he confirmed the report submitted by the pleader Commissioner. In such a situation it was incumbent upon the person who was aggrieved with the said report, to contest his case by filing objection thereto before the DCLR itself. But it is seen that no such step has been taken by the appellant.

For the aforesaid reasons, I do not find any apparent illegality in the impugned order, hence the same is upheld. This appeal being devoid of any merit is dismissed, accordingly.

Dictated and Corrected by me.

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*17.10.15*  
Commissioner,  
Saran Division, Chapra

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*17.10.15*  
Commissioner,  
Saran Division, Chapra