

In The Court of Commissioner, Saran Division, Chapra

B.L.D.R. Appeal No. 331/2013

Lal Babu Rai & ors.

Vrs.

Chandeshwar Rai & ors.

ORDER

02.04.2016 The instant appeal petition is directed against the impugned order passed by DCLR, Sonpur in Land Dispute case No. 04/2012-12 on 06.08.2013.

The brief facts of the case are that the present respondent Chandeshwar Rai & ors all resident of vill-Ramjeetpur, P.S.-Derni, Dist-Saran had filed a case before DCLR by impleading the present appellants as o.ps. In the said case their prayer was that the land measuring 1 bigha 5 katha 16 dhur of plot No. 572 khata No. 182 situated in Mouza Ramjeetpur be measured by appointing a survey knowing Commissioner. Thereafter, the learned DCLR, hearing the parties finally vide order dt. 06.08.2013 appointed Sri Surendra Kumar Singh as pleader Commissioner for the measurement of the said disputed land. Feeling aggrieved by the said order, the appellants have preferred the instant appeal petition before this Court.

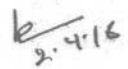
Heard the learned counsel for the parties.

The learned counsel for the appellants in course of his argument assailed the impugned order and insisted for setting aside the same. But on the other hand, the learned counsel for the respondents raised a preliminary question regarding the maintainability of the instant appeal petition itself on the ground that the said impugned order is not a final order as such this appeal petition can not be entertained and accordingly the appeal petition be dismissed on the point of maintainability. The learned G.P. also expressed his view that appeal always lies against any final order and the order under challenge in the instant appeal is an interim order relating to appointment of a survey knowing Commissioner so at this stage, no appeal can be preferred against that order.

In view of the aforesaid position, I am not inclined to entertain the instant appeal and to decide the merit of the impugned order. Accordingly, this appeal petition is dismissed for want of maintainability.

Dictated and Corrected by me.

  
Commissioner,  
Saran Division, Chapra

  
Commissioner,  
Saran Division, Chapra