



WPMS No.93 of 2014

Hon'ble U. C. Dhyani, J.

Mr. Deepak Dhingra, Advocate with Mr. Siddhartha Sah, Advocate present for the petitioner.

Mr. V. B. S. Negi, Advocate General assisted by Mr. Sandeep Kothari, Standing Counsel present for the State.

A misc. application no.4636/2015 has been filed by the petitioner with a prayer to appoint an Advocate Commissioner, inasmuch as the respondents plead acquisition of different pieces of land, but they are uncertain about the piece of land of the petitioner. The petitioner further submits that in this situation, it has become imperative to appoint an Advocate Commissioner for effective adjudication of the issues raised in the writ petition. The petitioner also submits that the Advocate Commissioner will have to (a) visit the site, conduct joint inspection of the site alongwith officials of the parties; (b) conduct appraisal of all documents as produced by the parties; and (c) ascertain the exact location of the piece of land in question.

In Civil Misc. Application no.4301/2015, the petitioner submits that with regard to the appointment of Advocate Commissioner, he had sent letters of request to three Hon'ble retired Judges, namely, Mr. Justice K. D. Shahi (retired), Mr. Justice Ram Avtar Singh (retired) and Mr. Justice Bharose Lal (retired). In response to the letters of request, all three Hon'ble Judges have accorded their consent.

Many opportunities were granted to the respondents to file objections to the same, but to no avail.

Considering the facts of the case, there is substance in the argument of learned counsel for the petitioner that it is necessary to appoint an Advocate Commissioner in this case. Accordingly, this Court appoints Mr. Bharose Lal, r/o 489, Satya Vihar, Mandir Marg, Vijay Park, Dehadun as an Advocate Commissioner.

A consolidated remuneration is fixed at Rs.1 Lakh (Rupees one lakh only), which will be paid by the petitioner to the Advocate Commissioner apart from the charges of conveyance and other expenses. The Advocate Commissioner is entitled for the surveyor, etc., from the district administration. The petitioner will supply the necessary copies of the petition, affidavits,



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annexures etc. to the Advocate Commissioner to understand scope and ambit of the order in completing the work. The Advocate Commissioner will submit his report within four months from today. After filing the report and upon the satisfaction of the Court, the Advocate Commissioner appointed by this Court will be discharged from his duty. He will also be entitled to further remuneration, if he seeks the same justifying the amount of labour put in by him.

A copy of this order will be supplied to the Advocate Commissioner appointed herein as well as learned Standing Counsel.

(U. C. Dhyani, J.)

Dated 28.03.2016

Rawat