

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20686 of 2014

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1. Munshi Yadav, son of late Dhodhai Yadav.
 2. Tulsi Yadav, son of late Dhodhai Yadav.
 3. Kitab Lal Yadav, son of late Udit Yadav.
 4. Anil Kumar @ Anil Yadav, son of late Udit Yadav.
 5. Mosmat Bachani Devi, wife of late Udit Yadav, all resident of village-Babhangama, P.O. Kalgiganj, P.S. Kahalgaon, District-Bhagalpur.

.... Petitioner/s

Versus

1. Ram Pravesh Yadav, son of late Bhagwan Lal Yadav.
2. Balram Yadav, son of late Ramsurat Yadav.
3. Indradeo Yadav, son of late Ramsurat Yadav.
4. Nowlakh Yadav, son of late Ramsurat Yadav.
5. Shekhar Yadav, son of late Ramsurat Yadav.
6. Sharwan Kumar, son of late Yogendra Yadav.
7. Hare Ram Yadav, son of late Siyaram Yadav.
8. Chunchun Yadav, son of late Siyaram Yadav all resident of village-Babhangama, P.O. Kalgiganj, P.S. Kahalgaon, District-Bhagalpur.
9. The State of Bihar through Collector, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Respondent/s : Mr Anshuman Singh-GP-24

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 19-01-2015

Heard Mr. Ganpati Trivedi, the learned senior counsel
appearing on behalf of the petitioners.

Grieved by the order dated 25.08.2014 rejecting their
prayer for addition as intervener-defendants in the suit, the petitioners
have filed the present application under Article 227 of the

Constitution of India.

The learned senior counsel has accepted that the relief in the suit is declaratory in nature and there is no relief with regard to possession. The suit has been filed for declaration of the title of the plaintiffs with further declaration that the survey entry with regard to the suit land in the name of the State of Bihar is incorrect. It has been pointed by the learned senior counsel that the in the said survey entry in its remark column, the illegal possession of the present petitioners has been recorded and the present petitioners have also filed their own suit for declaration of their title over the suit land against the State of Bihar. From these facts it is apparent that both the petitioner and the respondent 1st set of the present writ application have filed their respective suits impleading the State of Bihar alone as party. In view of the nature of the relief claimed in the suit, the learned court below has rightly refused the prayer of the petitioners to be impleaded as party in the suit. During the course of submission, nothing could be pointed out justifying the presence of the petitioners in the suit for determination of the real controversy in the suit.

In view of the principles laid down by the Apex Court in this regard in **Mumbai International Airport (P) Ltd. Vs. Regency Convention Centre & Hotels (P) Ltd. 2010 (7) SCC 417**, this Court, therefore, is not persuaded to interfere in the impugned order.

However, as prayed on behalf of the petitioners, the order rejecting the prayer of the petitioners for impleadment as parties in the suit shall not prejudice the right claimed by them in their suit or to make prayer for analogous hearing of both the suits in accordance with law.

The writ application is accordingly dismissed with the aforesaid observation.

Devendra/-

(V. Nath, J)

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