

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.11688 of 2013**

=====

Baidhnath Paswan, son of Mushar Paswan, resident of Mohalla- Chamrupur Khabra  
Road Shalesh Asthan, P.S.- Kaji Mohammadpur, District- Muzaffarpur.

.... .... Petitioner.

Versus

1. The State of Bihar.
2. The Law Secretary, Law Department, Government of Bihar, Patna.
3. Kanti Kumari Sinha, wife of Sri Bindeshwari Singh, resident of Khabra Road  
Shalesh Asthan, P.S.- Kaji Mohammadpur, District- Muzaffarpur.

.... .... Respondents.

=====

**Appearance :**

For the Petitioner : Mr. Shashi Bhushan Singh, Advocate.  
For the State : M/s. Raj Ballabh Prasad Yadav and Dinesh Maharaj,  
Advocates.

=====

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

**ORAL JUDGMENT**

**Date: 27-09-2016**

-----

Heard.

2. This writ application, filed on behalf of the petitioner, under Article 227 of the Constitution of India, is directed against the order dated 16.04.2013 passed in Title Suit No.5 of 2007, whereby the Munsif (East), Muzaffarpur, rejected the application dated 17.07.2012 of the applicant-petitioner filed under Order I Rule 10(2) of the Code of Civil Procedure to implead him as defendant being the necessary party in the suit.

3. From perusal of the impugned order, it appears that the Respondent No.3 filed Title Suit No.5 of 2007 against the State of Bihar for declaration that the survey entry in respect of the land, as

W  
NO

detailed in Schedule-I of the plaint is wrong. In the aforesaid suit, the petitioner appeared and filed an application under Order I Rule 10(2) of the Code of Civil Procedure to implead him as defendant being the necessary party in the suit while he admitted in the applicatiосn that the land, as detailed in Schedule-I of the plaint, is recorded in the name of the State of Bihar.

4. The learned trial court after hearing the parties rejected the application dated 17.07.2012 of the applicant-petitioner filed under Order I Rule 10(2) of the Code of Civil Procedure to implead him as defendant being the necessary party in the suit as the plaintiff-Respondent has filed the suit on the basis of purchase of suit land by him, which is illegally recorded in the name of the State of Bihar.

5. I find no illegality in the impugned order amounting to the abuse of the process of the court for interference in an extraordinary jurisdiction of this Court under Article 227 of the Constitution of India.

6. Accordingly, this writ application stands dismissed.

**(Rajendra Kumar Mishra, J)**

**P.S./-**

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 30.09.2016 |
| Transmission Date |            |