

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13900 of 2011

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Ravindra Nath Sinha, son of Late Narsing Singh, resident of Vill.-Andari, P.O. & P.S.-Jaityer, Gaurichak, Distt.-Patna, at present residing at Mohalla -Makhtar Toli, Chudi Market, P.S.-Kadamkuan, Distt.-Patna.

.... Petitioner

Versus

1. The State of Bihar, through the Secretary, Government of Bihar, Patna.
2. State Bank of India, Masaurhi Branch, Patna.
3. The Mission Director, State Garden Development Mission, Patna.
4. The Distinct Magistrate, Patna.
5. The NABARD (The National Bank for Agriculture and Rural Development) through its Chairman, having its office at 'B' Block, Maurya Lok Complex, Dak Bangalow Road, Patna, through its Chief General Manager.

.... Respondents

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Appearance:

For the Petitioner	:	Mr. Sanjay Kumar, Advocate
		Mr. Binoy Kumar Singh, Advocate
For the State	:	Mr. Vijay Kumar Singh No.1, AC to SC18
For the SBI	:	Mr. Anshuman Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-09-2016

I.A. No. 7927 of 2016 has been filed for impleading the Union of India through Ministry of Agriculture, Government of India, Ministry of Agriculture Department and Co-operation, Horticulture Division, Krishi Bhawan, New Delhi, and the Assistant Director, Projects Horticulture Mission, as party respondents Nos. 6 and 7, respectively.

2. This Court takes note that the Union of India appears to have initially been impleaded in the array of parties as appearing in the writ petition but was deleted prior to the writ petition being filed. As regards the National Horticulture Board, it was not impleaded as a respondent party at the time of filing of the writ petition nor even subsequently, though grievance was made in paragraphs 11 and 12 of the supplementary affidavit filed by the petitioner on 14.10.2011 with

regard to the inaction on the part of the National Horticulture Board. The counter affidavit filed on behalf of the respondent State contained an averment in para 9 thereof to the effect that a request had been made to the National Horticulture Board by letter dated 26.10.2010 for a specific order for payment of the subsidy amount to the petitioner.

3. In the above view of the matter, the petitioner was clearly well aware that the Union of India and the National Horticulture Board were necessarily required to be impleaded. This aspect of the matter was pointed out to learned counsel for the petitioner when the matter was taken up on the last occasion and in pursuance thereof the instant Interlocutory Application has been filed. Except inadvertence, no satisfactory ground has been stated for not impleading the Union of India and the National Horticulture Board until now. It is clear that the relief sought in the writ petition cannot be allowed unless the Union of India and the National Horticulture Board are also heard in the matter. It is well-settled that failure to implead necessary parties is fatal to the writ petition.

4. This Court therefore holds that the writ petition cannot be entertained by reason of non-joinder of necessary parties. I.A. No. 7927 of 2016 along with CWJC No. 13900 of 2011 are accordingly dismissed.

Chandran/BT

(Vikash Jain, J)

AFR/NAFR	NAFR
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