

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16294 of 2015

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1. Narendra Prasad son of Late Musafir Pandit, Resident of village- Parev,
P.S.- Bihta, District- Patna

2. Dil Chand Pandit, Son of Late Jai Kishan Pandit, Resident of village-
Parev, P.S.- Bihta, District- Patna

3. Surbhan Prasad, Son of Late Anandi Sao, Resident of village- Parev,
P.S.- Bihta, District- Patna

.... Petitioners

Versus

1. The State of Bihar

2. The District Magistrate, Patna

3. The Circle officer, Bihta

4. Bhuneshwar Prasad, Son of Late Kamla Prasad, Resident of village-
Parev, P.S.- Bihta, District- Patna

5. Munshi Prasad

6. Mahesh Prasad

7. Krishna Prasad, All are son of Late Kamla Prasad, Resident of village-
Parev, P.S.- Bihta, District- Patna

8. Reshmi Devi, wife of Late Kamla Prasad, Resident of village- Parev,
P.S.- Bihta, District- Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Madhukar Mishra

For the Respondent/s : Mr. Prasoon Sinha

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 20-06-2016 Heard learned counsel Mr. Madhukar Mishra, for the

petitioners.

The plaintiffs-respondents have filed Title Suit No.
366 of 2012 for declaration of title with respect to the Suit
Property against the State of Bihar and the other private
respondents. In the suit the present petitioners filed an application
for being added as party on the ground that in fact the plaintiff and
the private respondents/defendants are the encroacher of the land
which is a public rasta and encroachment case was initiated and
order was passed for removing the encroachment, but the court

below by impugned order rejected the same.

Learned counsel for the petitioners submitted that the encroachment case was initiated at the instance of the petitioners along with other villagers, therefore, they are necessary party in the suit.

Learned counsel for the State submitted that the State is, representing the public at large.

Perused the order passed by the court below.

It is admitted fact that the petitioners are not claiming any right title over the Suit property. The plaintiff has filed the suit for declaration of title. The question whether the plaintiffs have title or are the encroacher or in possession can very well be decided in presence of the State authority against whom the suit has been filed and for deciding this question the presence of the petitioners, who are not claiming any interest in the property, is not necessary at all. In my opinion, therefore, the petitioners are not at all necessary party in the suit, and accordingly the court below has rightly rejected the same.

Thus this case has got no merit and accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

siddharth/-

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