

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13890 of 2014

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1. Md. Habibur Rahman @ Habib Alam Son of Late Gafoor Bux as Mutwalli of Waqf Jama Masjid Madhopara, Purnia, Resident of Sahayak, P.S. K. Hat, District Purnea

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms Deptt., Bihar, Patna
2. The Superinten Municipal Survey, Purnea, Katihar
3. Sujay Kumar Sinha Son of Late Kamaldeo Narayan Sinha, Resident of Hanuman Kutir, Mohalla Bhatta, P.S. K. Hat, District- Purnea
4. The Secretary, Sunni Waqf Board, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad, Adv

For the Respondent/s : Mr. SC18- M. Nasrul Hoda Khan

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 28-09-2016

Heard learned counsel for the petitioner.

The present application has been filed being aggrieved by the impugned order turning down the prayer of the petitioner for being impleaded as intervenor defendant in the suit.

From the averments made in the application as well as from the perusal of the relief prayed by the plaintiff in the T.S. No.31 of 1990, it is evident that the said suit was filed for



declaration of right, title and interest as well as possession over the suit property and for correction of the municipal survey entries with regard to the suit land.

The suit has been filed in the year 1990. The petition for impleadment was filed after much delay on 24.03.2012 by the petitioner who claimed himself to be the Mutawalli of the Masjid and had further claimed that his name had been mentioned in the remark column of the disputed Khata No. 420(Ka) and on that basis the assertion was made that he was unnecessary party to the suit.

The learned court below has come to the conclusion that Sunni Waqf Board is there as a party and the order on the basis of which the petitioner claims his right to be impleaded as party has been passed long back in the year 1990. The court below after considering the facts and circumstances of the case has declined the prayer.

The learned counsel for the petitioner has reiterated the submissions as made before the court below and has further submitted that the learned court below ought to have passed the order impleading the petitioner as party.

After considering the submissions and also the reasoning assigned by the learned court below in the impugned order, this Court is not inclined to interfere with the impugned order.



The application is, accordingly, dismissed.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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