

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16887 of 2015

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Ramanand Choudhary

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Respondent/s : Mr. Kumar Alok- Sc8

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 02-03-2016

Heard learned counsel Mr. Mrityunjay Kumar for the petitioner and learned counsel Mr. Raj Kumar, A.C. to S.C.8, on behalf of the State-respondent.

By the impugned order dated 01.09.2015, the learned Addl. District Judge-III, Bhagalpur rejected the intervention application filed by the petitioner and others several persons under Order 1 Rule 10 C.P.C. recording finding that the petitioner and the said several persons are not necessary party. The Court below also found that the suit has been filed by the plaintiff for declaration of title and for declaring the survey entry in the name of the State as illegal. It appears that the suit land has been recorded as Anabad Sarva Sadharan in the record of right. So far the petitioner and other several persons are concerned, they are the villagers and they wanted to intervene in the appeal filed by the State of Bihar against the judgment and decree of the trial Court.

They are not claiming title or interest and State has filed the appeal and State is representing the public at large. Therefore, the petitioner is not necessary party.

In view of the above facts and circumstances of the case, it appears that learned Court below has rightly rejected the application. Therefore, no interference can be made in exercise of supervisory jurisdiction.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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