

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2553 of 2014

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Shiv Narain Pandey & Ors.

.... Petitioner/s

Versus

The State Of Bihar & Ors.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal

For the Respondent/s : Mr. Sc17- Arvind Kumar

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 07-01-2016

Heard the learned counsel for the petitioner and the learned
counsel for the state of Bihar.

By the impugned order dated 23.04.2012, the learned Sub
Judge-Ist, Bhagalpur in Title Suit No. 299 of 2008 rejected the
application filed by the petitioner under Order 1 Rule 8 C.P.C.

It appears that the plaintiff-respondents filed the aforesaid suit
for declaration of title over the properties making the State of Bihar
and other private defendants as party. The petitioner filed the
application for being added as party as representative of the public at
large under Order 1 Rule 8 C.P.C., which has been rejected by the
Court below.

The learned counsel for the petitioner submitted that the Court
below erroneously rejected the application because the State of Bihar

initiated encroachment proceeding against the petitioner and one of the plot involved in the suit is rasta, i.e., road which is used by the public at large. Therefore, the petitioner filed the application for being added as party as representative of the public because the plaintiff is praying for declaration of title with respect to public property.

Perused the order passed by the Court below. Admittedly the State of Bihar as party representing the public on at large. The learned counsel appearing on behalf of the state submitted that counter affidavit has been filed and in fact the state of Bihar has already taken steps for removal of the encroachment.

As stated above, from perusal of the impugned order, it appears that admittedly the petitioner is not claiming any title over the suit property and, therefore, the court below has rightly rejected the application filed by the petitioners as the interest of the public is being represented by the State. In my opinion, therefore, the petitioners are not necessary party at all. Thus this writ application is dismissed.

ravi/-

(Mungeshwar Sahoo, J)

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