

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12313 of 2014

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Shyam Bihari Bind @ Shyam Biha Bin, Son of Late Ganga Bind, Resident
of Village - Karama, P.S. Kudara, District - Kaimur at Bhabua
..... Petitioner

Versus

1. Lallan Bind, Son of Late Rupa Bind
2. Dhanraj Bind, Son of Late Rupa Bind
3. Uma Bind, Son of Late Rupa Bind
4. Mudrika Bind, Son of Late Rupa Bind, All resident of Village - Mauja
Karama, P.S.- Kudara, District - Kaimur at Bhabua
..... Defendants/Respondent 1st Set

5. Prasadi Dhobi, Son of Hasal Dhobi
6. Kuanwar Dhobi, Son of Prasadi Dhobi
7. Dharmendra Dhobi, Son of Prasadi Dobi
8. Awadhesh Dhobi, Son of Late Bali Dhobi
9. Ashok Dhobi, Son of Late Bali Dhobi, All resident of Village Mauja -
Karama, P.S. - Kudara, District - Kaimur at Bhabua
10. The State of Bihar, through Collector, Kaimur at Bhabua
11. The Circle Officer, Kudara, District Kaimur at Bhabua
..... Respondents

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Appearance :

For the Petitioner : Mr. Rajani Kant Pandey, Advocate
For the Respondents : Mr. Mujtabaul Haque, G.P.-XII
Mr. Shakib Ayaz, A.C. to G.P.-XII

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

3 29-08-2016 Heard Mr. Rajani Kant Pandey, learned counsel
appearing on behalf of the petitioner.

The plaintiff is the petitioner in this application
whereby the order passed by the learned court below impleading
the State of Bihar as party-defendant in the suit has been
questioned under Article 227 of the Constitution of India.

During the course of submission, the fact has not
been disputed on behalf of the petitioner that the suit land was
recorded in the C.S. Khatiyani as “Gairmajarua Aam” and in the

R.S. Khatiyan also “Anabad Sarv Sadharan”. The plaintiff-petitioner, however, claims his exclusive title and possession over the suit land and has filed the suit for grant of permanent injunction against the defendant from interfering with his possession. In the aforesaid backdrops of facts, the learned court below has passed the impugned order allowing the prayer of the respondent-State of Bihar to be impleaded as party defendant in the suit.

During the course of submission, this Court has not been persuaded to find that impleadment of the respondent-State of Bihar as party-defendant would, in any manner, prejudice the case of the plaintiff-petitioner who has to establish his exclusive title and possession as claimed in accordance with law in the suit and if that claim is determined in presence of the interested parties, it cannot be said that the plaintiff-petitioner would be prejudiced in any manner.

This Court, therefore, is not inclined to invoke the jurisdiction under Article 227 of the Constitution of India.

The petition is, accordingly, dismissed.

(V. Nath, J.)

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