

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2543 of 2015**

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Muslim Akhtar & Anr

.... .... Petitioner/s

Versus

Md. Iliyas & Ors

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Prabhakar Singh

For the Respondent/s : Mr. Avnish Nandan Sinha

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR**  
**SAHOO**  
**ORAL ORDER**

2      04-03-2016

Heard the learned counsel for the petitioners and the  
learned counsel for the State.

By the impugned order dated 02.12.2013, the learned  
Munsiff-IIInd, Rohtash at Sasaram in Title Suit No. 79 of 2009  
rejected the intervention application filed by the petitioners.

It appears that the Title Suit No. 79 of 2009 was filed  
by the plaintiff-respondents for declaration of title and for  
correction of the survey record of right wherein it has been  
mentioned as the land of State.

The petitioners filed intervention application alleging  
that, in fact, the suit land for which the plaintiff-respondents has  
filed the suit is Idgah and used by the Muslim Community at large  
for more than 70 years. The Court below by the impugned order  
recorded finding that petitioners are not necessary party.

In such view of the matter when the Court below has

held that the petitioners are not necessary party, it can not be said that order is irrational and it is illegal order and, therefore, in supervisory jurisdiction it cannot be interfered with.

Thus, this writ application is dismissed.

**(Mungeshwar Sahoo, J)**

ravi/-

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