

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.19361 of 2010**

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Smt.Pushpa Singh @ Puspa Singh W/o Sri Parmanand Singh, R/o Saharsa Mchalla  
Gangjala Ward No. 06/19, Police Station and District- Saharsa.

.... .... Petitioner/s

Versus

1. Prof.Smt.Rekha Kumari @ Rekha Kumari D/o Sri Radhcharan Singh , W/o Sri Sachindra Kumar Singh, R/o Mohalla- Laxminiya, Police Station- Singheshwar, Distt.- Madhepura.
2. Professor Sri Sachindra Kumar Singh S/o Late Bishwanath Singh, R/o Mohalla- Laxminiya, Police Station- Singheshwar, Distt.- Madhepura.
3. The Government of Bihar through District Magistrate, Saharsa, Police Station and Distt.- Saharsa
4. The Anchaladhikari, Saharsa, Police Station, Distt.- Saharsa.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Md. Waliur Rahman and  
Mr. Nishant Kumar Singh, Advs.  
For the Respondent/s : M/s Kumar Uday Singh and Sudhir Singh  
Mr. Anil Kumar Sinha

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**

**ORAL JUDGMENT**

**Date: 18-11-2017**

The petitioner has filed this application for setting aside the order dated 17.03.2008 passed by the Sub-Judge-I, Saharsa in Title Suit No. 171 of 2005 whereby and whereunder the Court below refused to implead the petitioner as party to the suit.

2. Heard learned counsels for the petitioner and the opposite parties.

3. The respondent nos. 1 and 2 have filed the Title Suit No. 171 of 2005 against the State of Bihar for declaration of her right and title over the land mentioned in schedule-I of the plaint. They



claim title by virtue of registered deed of gift dated 07.02.1967 which was executed by her brother. The said land was wrongly recorded in the name of State of Bihar. The present intervenor has also filed a Title Suit No. 101 of 2006 against the State of Bihar, this petitioner and one Arvind Prasad Singh for declaration of her title over 7 dhur land mentioned in schedule-II of the plaint. The land in dispute in both the suits is plot no. 1547 which has been recorded in the name of State of Bihar. The present petitioner has asserted that she had entered into an agreement with defendant no. 4, Arvind Prasad Singh who has agreed to transfer the said land for a total consideration amount of Rs.50,000/- and put her in possession over the said 7 dhur land. After constructing house, she is residing therein. The petitioner filed an intervention application in Title Suit No. 171 of 2005. The Court below after going through the case of both the parties, observed that the intervenor-petitioner is not a necessary party to the suit. The petitioner claims her right by virtue of agreement from different persons and so she is not a necessary party. The relief of plaintiff is against State of Bihar for which she has already filed a Title Suit No.101 of 2006.

4. In view of above facts, I find that the Court below has not committed any jurisdictional error in rejecting the prayer of the petitioner.



5. This application is devoid of merit and the same is, accordingly, dismissed.

(Sanjay Kumar, J)

Mahesh/-

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