

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21354 of 2013

In
C.R. 99 of 2010

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Ram Chandra Prasad Singh

.... Petitioner/s

Versus

Mohammad Allaiddin Mian @ Allaiddin & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Respondent/s : Mr. Lalit Kishore (Aag3)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

9 04-10-2017 Heard the learned counsel, Mr. Arbind Kumar Singh

for the petitioner. Nobody appeared on behalf of the State of

Bihar-respondents.

This writ application has been filed by the plaintiff-petitioner under Article 227 of the Constitution of India for setting aside the order dated 14.10.2009 passed by the learned Additional Munsif I, Begusarai in Title Suit No.25 of 2000 whereby the learned Munsif has rejected the application filed by the plaintiff-petitioner praying for deleting the name of State and State Authorities-respondents herein.

The learned counsel for the petitioner submitted that the plaintiff-petitioner filed the suit for declaration of title and confirmation of possession against the private respondent as well as the State Authorities. On the date of filing the suit, the



proceeding under Section 4(h) of the Bihar Land Reforms Act was filed by the State Authorities against the present plaintiff-petitioner. However, during the pendency of the suit, the said proceeding was dropped because the notice issued by the State to the petitioner was closed by the High Court. Therefore, the present petitioner filed the application for deleting the name of State and State Authorities on the ground that the State has no concern with the property now. Copies have already been served in the office of the Advocate General but nobody is appearing on behalf of the State and State Authorities respondents in this writ application.

From perusal of the impugned order, it appears that the State Authorities have already filed written statement in the suit claiming title over the suit property. Now therefore, at this stage, if the name of the State and State Authorities deleted then there may be multiplicity of proceeding. However, if at all the State and State Authorities have no interest in the property they may not contest the suit but why the name of the State and State Authorities be deleted particularly when the State has filed written statement claiming title in the suit property. Further, all these grounds whether the State has any right, title and interest in the suit property or not that can very well be decided at the time of final hearing of the suit itself. In such circumstances, it is not



necessary to delete the name of the State of Bihar and State Authorities from the cause title of the plaint.

I, therefore, find no reason to interfere with the impugned order in exercise of supervisory jurisdiction under Article 227 of the Constitution of India. Thus, this writ application is dismissed. The petitioner may raise all these questions at the time of final hearing of the suit.

(Mungeshwar Sahoo, J)

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