

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.1076 of 2016**

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Priya Ranjana Panjiyar Gupta, wife of Late Nageshwar Prasad Gupta,  
Parental address (Naihar) Bagmali, PO Hajipur, PS Hajipur Town, District  
Vaishali presently residing at C/o Shri Chandra Mohan Prasad (Retd. IAS),  
State Bank of India Campus, Kurji More, Patna 800010 .... Defendant No.  
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.... .... Petitioner

Versus

1. Vishwanath Prasad Sah, son of Late Ramautar Sah, resident of Village  
Palikpur Pipra alias Panapur, PO Sarai, PS Sadar Hajipur, District  
Vaishali ..... Plaintiff ..... Respondent 1st set
2. Rambabu Prasad Gupta
3. Satyanarayan Sah
4. Ghurendra Prasad Gupta, all Nos. 2 to 4 are sons of Late Ramautar  
Sah, resident of Village Palikpur Pipra alias Panapur, PO Sarai, PS  
Sadar Hajipur, District Vaishali ..... Defendant Nos. 1 to 3  
...Respondent 2<sup>nd</sup> set

.... .... Respondents

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**Appearance :**

For the Appellant/s : Mr. Jitendra Kumar

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE V. NATH**  
**ORAL ORDER**

3      25-05-2017      Heard learned Counsel for the parties.

By the earlier order notice was issued to the plaintiff-  
respondent No. 1, who is represented by his learned Counsel.

By the impugned order the learned court below has  
allowed the prayer of the plaintiff as made in the petition dated  
16.6.2015 for impleading the Land Acquisition Officer, Vaishali as  
party in the suit.

The suit has been filed for partition and there is allegation  
that the compensation money in a land acquisition proceeding for  
some property was awarded though in favour of a co-sharer, but  
since the property is a joint family property every co-sharer would be  
entitled to have share in it. During the pendency of the suit the



prayer was made for impleading the Land Acquisition Officer as party, which has been allowed by the impugned order. From the bare perusal of the impugned order it does not appear that any reason has been assigned by the learned court below for coming to the conclusion that the Land Acquisition Officer was a necessary or at least a proper party in the suit which has been filed for partition of the suit property. Such assignment of reason in any order is a *sine qua non* in the adversarial system of justice dispensation.

Learned Counsel appearing on behalf of the petitioner has submitted that in a suit for partition of the landed property, the Land Acquisition Officer cannot be either a necessary party or a formal party. Such a plea, which has been raised before this Court and was obviously raised in the court below, had missed the attention of the learned court below which has passed the impugned order without adverting to the necessary aspects. The order is, therefore, held to be erroneous and is accordingly over turned.

This application is allowed and the impugned order is quashed.

The learned court below is directed to reconsider the prayer made in the petition dated 16.6.2015 by the plaintiff-respondent No. 1 for impleadment of Land Acquisition Officer as a party in the suit for partition in accordance with law.

**(V. Nath, J.)**

Snkumar/-

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