

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

Civil Writ Jurisdiction Case No.3035 of 2017

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1. Prabhu Narain Labh, Son of Late Badri Naraian Labh, Resident of
Village- Gonapatti, P.S.- Ashok Paper Mills, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue and Land Reforms
2. The Divisional Commissioner, Darbhanga.
3. The Deputy Collector (Establishment), Darbhanga.
4. The Sub-Divisional Officer, Darbhanga.
5. The Circle Officer, Hayaghat, Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Karn

For the Respondent/s : Mr. Raj Kishore Roy-Gp18

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-03-2018 The petitioner has challenged the order dated

14.09.2016 passed by the respondent no. 2 whereby and

whereunder, the appeal of the petitioner has been dismissed

merely on the ground of misjoinder of necessary party.

I find that the appeal ought not to have been

dismissed merely on the ground of misjoinder of necessary parties

and infact the petitioner should have been directed to implead the

necessary party and thereafter, the appeal should have been heard

on merits.

In such view of the matter, I deem it fit and

appropriate to quash the order dated 14.09.2016 passed by the

respondent no.2 and remit the matter back to the respondent no. 2



for adjudication of the appeal on merits. It is further directed that the petitioner shall implead the proper and necessary parties as respondents to this appeal within a period of two weeks from today, for which the respondent no. 2 shall grant permission.

It is expected that the appeal of the petitioner shall be disposed of by a reasoned and speaking order after hearing all the parties concerned, within a period of eight weeks from today.

The writ petition is allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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