

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11805 of 2011

=====

Gauri Kant Jha S/o Late Jai Kant Jha, resident of village - Titra Ashanand, P.S.-
Sakra, P.O.- Titra Ashanand, Distt.- Muzaffarpur.

Petitioner/s

Versus

1. The State of Bihar through the Collector, Muzaffarpur
 2. The Collector, Muzaffarpur
 3. Nageshwar Mishra S/o Late Ram Chandra Mishra, resident of village - Titra
Ashanand, P.S.- Sakara, Distt.- Muzaffarpur
 4. Vijay Kumar Mishra S/o Nageshwar Mishra, resident of village -Titra Ashanand,
P.S.- Sakara, Distt.- Muzaffarpur. Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Nand Gopal Mishra, Adv.
For the Respondent/s : Mr. Prabhakar Tekriwal, GA-1
Mr. R.B.N. Singh, AC to GA-1

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 18-08-2018

Petitioner before this Court is plaintiff of Title Suit No. 27 of 2007 pending in the court of Munsif (East), Muzaffarpur. He has filed this application for quashing the order dated 24.09.2008 whereby and whereunder the respondent nos. 3 and 4 were impleaded as party to the suit under Order 1 Rule 10 of Code of Civil Procedure.

2. Heard learned counsels for the petitioner as well as the respondents.

3. It appears that the plaintiff filed the aforesaid title suit against the State of Bihar for declaration of his right, title and possession over the land measuring 2 decimal of plot no. 349 on the basis of settlement from ex-landlord. The same land stands recorded as Gairmajarua Aam. The respondent nos. 3 and 4 filed an application



before the court below for impleading them as party to the suit on the ground that the land in dispute is road which is being used for their ingress and outgress. They have stated that the plaintiff on the basis of forged and fabricated document has filed this case alleging that his ancestor had acquired title on the basis of settlement from ex-landlord. The petitioner has not filed the copy of plaint or the petition filed by the respondent nos. 3 and 4 for impleading them as party to the suit. According to the petitioner, the total area of C.S. plot No. 467 is 76 decimal, out of which, only 2 decimal has allegedly been settled in favour of his ancestor. The petitioner has not disclosed as to what happened to remaining 74 decimal. The land in question has been presently recorded in the name of State of Bihar during the consolidation proceeding. The court below while considering the interest of the respondent nos. 3 and 4 in suit property has rightly impleaded them as party to the suit.

4. In view of above discussion, I find that the court below has not committed any jurisdictional error in impleading the respondent nos. 3 and 4 as party to the suit. This application being devoid of merit is accordingly dismissed.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21/08/2018
Transmission Date	N/A

