

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16549 of 2014

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Sheo Mandir of Badhaul, Tola Jungle Beldari, P.S. Nawada District-Nawada, through Manager and Pujari of Mandir namely Madan Pandey Son of Late Ram Charitra Pandey, resident of village - Badaul Tola Jungal Beldari, P.S. - Nawada, District - Nawada.

.... Petitioner/s

Versus

1. Most. Rampati Devi Wife of Late Ram Balak Noniya
2. Raj Kishore Chauhan
3. Gauri Shankar Pd. Chauhan
4. Rajendra Noniya
All Sons of Late Ram Balak Noniya
5. Suhagiya Devi Wife of Late Faguni Noniya
6. Karu Chauhan
7. Ram Bilash Chauhan
8. Kishori Chauhan
9. Rohit Chauhan
10. Surendra Chauhan
All Sons of Late Faguni Chauhan, All residents of village- Badaul, Tola Jungal Beldari, P.S. - Nawada, District - Nawada.
11. The State of Bihar, through the Collector at Nawada P.S. & District Nawada.
12. Anchal Adhikari, Nawada Anchal Nawada P.S. & District Nawada.
13. Murli Manohar Pd.
14. Janardan Prasad
15. Chandrika Prasad
16. Deo Narain Prasad
All Sons of Late Nanhku Ram
17. Pradip Kumar Son of Late Deoki Ram
All residents of village - Badhaul, Tola Jungal Beldari, P.S. & District- Nawada.
18. Smt. Baudana Sinha Wife of Laliteshwar Prasad, resident of Anugrahpuri Colony in the town of Gaya P.S. Gaya Sadar, District- Gaya.
19. Smt. Savitri Shrivastav Wife of Swaminath Prasad, resident of mohalla Anugrahuri Colonys No. 399 Gaya, P.S. - Gaya Sadar District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Lovekush Kumar and S.N. Choudhary, Advs.
For the Respondent/s : Mr. Raju Giri, GP-30

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 01-05-2018

This application has been filed for setting aside the order



dated 27.06.2014 passed by Sub-Judge-II, Nawada in Title Suit No.15 of 1996 whereby and whereunder the learned court below refused to implead the petitioner as party to the suit.

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

It appears that the respondent nos. 1 to 10 filed the aforesaid suit for declaration of title over the suit land and the survey entry in the name of State of Bihar during the revisional survey operation as wrong, illegal and is not binding on them. They further sought relief for confirmation of their possession over the same.

The learned counsel for the petitioner submits that the said land during cadastral survey was recorded in C.S. Khatyan as 'Anabad' under C. S. Khata No. 305 and R. S. Khata No. 251 and in the revisional survey operation, the lands of aforesaid two khatas have been wrongly recorded in the name of State of Bihar. The concerned ex-landlord had orally settled 1 acre 46 decimal land in favour of the petitioner over which the villagers constructed temple. The said land is coming in peaceful possession of the petitioner and so in order to protect interest, the petitioner is necessary party.

On perusal of impugned order and documents on record, I find that the plaintiff has claimed his title and possession over the suit land. The petitioner has further sought relief for declaration that



the revisional survey entry in the name of State of Bihar as fraudulent, illegal and same is not binding on the plaintiff. The intervenors-defendants on the other hand also claim title. The case of the petitioner is that the ex-landlord settled the land in his favour but no document has been filed in support of alleged settlement. If the intervenor-petitioner is impleaded as party to the suit, they would not get any relief as their case is on different cause of action. The plaintiff has not sought any relief against the petitioner and so his impleadment would cause unnecessary harassment to the plaintiff and also prolong the disposal of the suit. The plaintiff has impleaded the State of Bihar, Circle Officer and some of the local people as party to the suit. The petitioner has no *locus standi* to be impleaded as party to the suit and so his prayer has been rightly rejected by the court below.

In view of above facts, I do not find any merit in this application and is accordingly dismissed.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05.05.2018
Transmission Date	

