

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.884 of 2016

In
Civil Writ Jurisdiction Case No.3059 of 1997

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1. Prahalad Dubey
 2. Rama Shanker Dubey
 3. Gauri Shankar Dubey,
 - All are sons of Late Raj Kumar Dubey
 4. Asmani Devi
 5. Binda Devi
 6. Bidya Devi
 7. Mina Devi
 8. Suman Devi

All are daughters of Late Raj Kumar Dubey

All are resident of Mohalla- Laskariganj, Sonar Toli, P.S.-
Sasaram, District- Rohtas.

... .. Petitioners

Versus

1. The State of Bihar through Sri Animesh Parasar, the Collector / District Magistrate, Rohtas at Sasaram.
2. Sri Om Prakash Pal, the Additional Collector, Land Reforms, Sasaram, Rohtas
3. Sri Amrendra Kumar, the Sub Divisional Officer, Sasaram, Rohtas
4. Bindo Kumar, the Circle Officer, Sasaram, Rohtas
5. Vijay Kumar Sinha, the Superintendent, Govt. Hospital, Sasaram, Rohtas
6. Manish Kumar, the Executive Officer, Sasaram, Municipality, Sasaram, Rohtas
7. Bhogendra Mandal, the Executive Engineer, P.W.D., Sasaram, Rohtas

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey, Advocate
For the Respondent/s : Mr. Yogendra Pd. Sinha, A.A.G.-15

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

12 01-08-2018

Heard learned counsel for the petitioners and learned
counsel for the State.

An Interlocutory Application No.5538 of 2018 has



been filed for impleading the petitioners as intervenor petitioners and making complain that they are being disturbed in holding their shops. The Patna High Court Rules does not provide and prescribe to implead intervenor as petitioner, but provision is, to implead as intervenor respondent.

In the writ petition, the dispute was between the State and the petitioners and they have made a complaint that the hospital had encroached upon their private lands. In pursuance thereof, this Court had directed for measurement in presence of agent appointed by the District Judge, Saharsa. In pursuance thereof, the measurement was made, during the measurement both sides remained present and was found that the hospital has encroached upon the lands of the petitioners.

Today, an affidavit has been filed by the State Government, wherein statement has been made that the order of this Court has been complied with. It has not been disputed by the petitioners that the portion of land belonging to the petitioners has been vacated, inasmuch as, the petitioners have also donated 578 sq. fts. of land to the hospital for the benefit of the public.

So far the proposed intervenor does not have any right to participate in this contempt proceeding as they are not



aggrieved persons, but are completely interlopers, does not have a right to participate either in the writ petition or in the present contempt proceeding.

In such view of the matter, the Interlocutory Application No. 5538 of 2018 is dismissed.

As the order of this Court passed in C.W.J.C. No.3059 of 1997 has been complied, and as such, the present contempt proceeding is dropped. Accordingly, this case is consigned.

(Shivaji Pandey, J)

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