

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

**CIVIL MISCELLANEOUS JURISDICTION No.819 of 2017**

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Sri Narayan Prasad S/o Late Sheo Pujan Prasad, Resident of Village- Jagarnathpur,  
P.S.- Bettiah Muffasil, District- West Champaran.

.... .... Appellant/s

Versus

1. Upendra Prasad S/o Sri Narayan Prasad, Resident of Village- Jagarnathpur,  
P.S.- Bettiah Muffasil, District- West Champaran.
2. The State of Bihar through the Collector, West Champaran.
3. The Collector, West Champaran, Bettiah.
4. The District Fisheries Officer-cum- Chief Executive Officer, West Champaran,  
Bettiah.
5. The Anchal Adhikari, Majhauria, District- West Champaran.
6. The Officer-in- Charge, Bettiah Mufassil P.S., District- West Champaran.
7. Raju Chaudhary S/o Suresh Chaudhary, Anchal Matasya Mantri, Majhauria,  
Resident of Village+ P.O.- Madhopur, P.S.- Majhauria, District- West  
Champaran.
8. Surendra Sahni, S/o Late Manir Khan Shani
9. Daroga Sahni S/o Ramchandra Sahni.
10. Indrajeet Sahni S/o Laxmi Sahni,
11. Jadolal Sahni S/o Bhoj Sahni
12. Paras Sahni S/o Late Chandrika Sahni
13. Singasan Sahni S/o Jagarnath Sahni
14. Ajay Sahni S/o Singasan Sahni All Resident of Village- Rampur Bairagi, P.S.-  
Bettiah Muffasil, Anchal- Majhauria, District- West Champaran.
15. Sunil Sahni S/o Kailash Sahni, Resident of Village- Jagarnathpur, P.S.- Bettiah  
Muffasil, District- West Champaran.
16. Birendra Sahni S/o Late Jokhu Sahni, Resident of Village- Tola Agarawa, P.S.-  
Bettiah Mufassil, District- West Champaran.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Sanjeev Kumar, Advocate  
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL JUDGMENT**

**Date: 26-07-2018**

Heard Mr. Sanjeev Kumar, learned counsel appearing  
on behalf of the petitioner and the learned counsel for the respondent  
nos. 2 to 6.



The petitioner is the plaintiff no. 1. By the impugned order, the learned Sub Judge has allowed the petition of respondent nos. 8 to 16 to be impleaded as defendant in the present title suit. Learned counsel for the petitioner submits that the petitioner and respondent no. 1 filed title suit for declaration of title and confirmation of possession over the disputed land.

During the pendency of the suit, the respondent nos. 8 to 16 filed intervention petition to be impeded as defendants on the ground that the disputed land has been treated as Sairat and the Revenue Officer has handed over the Sairat to the Fishery Department. The Fishery Department settled the Sairat to Fishery Society and the Sairat has been settled in favour of respondent nos. 8 to 16 for five years with effect from 2012-13 to 2018-19 and, therefore, they are necessary parties. The State also filed rejoinder stating that the lands were mutated in the name of the plaintiff on the basis of a Patta and Jamabandi no. 107 was created in the name of plaintiff's father. The land was never given as Sairat. It is further submitted that the Secretary of Fishermen Society is also defendant no. 6 in the suit, therefore the impleadment of respondent nos 8 to 16 is not at all necessary and they are neither necessary party nor proper party, but I find that the defendants have stated that the suit land was recorded as Gairmazrua Aam and it was never settled in favour of any



person. The Revenue authority on the basis of record of rights in which the land was standing in the name of State of Bihar handed over the Sairat to the Fishery Department and the Fishery Department settled the Sairat in favour of Fishermen Society. The Secretary of Fishermen Society settled the disputed Sairat in favour of respondent nos. 8 to 16, therefore, I find that they have got interest in the suit land and the learned Sub Judge has rightly allowed them to intervene to be impeded as party defendants.

Having considered the facts aforesaid, I do not find any jurisdictional error in the order impugned and the same is dismissed.

Any observation made in this order shall not affect the case of either party.

**(Prabhat Kumar Jha, J)**

N.H./- Uma

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