

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1267 of 2017**

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1. Ram Avtar Singh S/o Late Jangi Singh R/v Sonav, West Patti Post :
Kharendra, P.S. Belav, Distt : Kaimur, Bhabua.

.... Petitioner/s

Versus

1. Akshaywar Mali S/o Late Ram Janam Mali
2. Ram Chandra Mali S/o Late Jokhu Mali Both Village Sonav, P.S. -
Belav, Circle - Rampur, Distt - Kaimur.
3. The State of Bihar through Collector, Kaimur, Bhabua.
4. Anchal Adhikari, Rampur, P.S. - Belav, Distt - Kaimur.
5. Mukhiya, Gram Panchayat, Kharendra, P.S. Belav, Distt - Kaimur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Nandan Sahay

For the Respondent/s : Mr. Sajid Salim Khan-Sc25

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

ORAL ORDER

2 10-08-2018 Heard both sides.

By the impugned order, the petition of the petitioner to
implead him as defendant in representative capacity has been
rejected.

Mr. Ravi Shankar Sahay, learned counsel for the
petitioner submits that petitioner is a villager and admittedly, the
land is standing in the name of Anabad Bihar Sarkar. On the
disputed land, a pond is situated and the plaintiff wanted to grab
the land.

On the other hand, learned counsel for the State submits
that State has already filed written statement. The pond is in



possession of the State of Bihar. The State of Bihar is protecting its own interest and petitioner is not a necessary party. Learned Sub Judge has rightly rejected the petition of the petitioner to be impleaded as defendant.

Having considered the facts aforesaid, I find that petitioner who is a villager is not a necessary party with regard to the land standing in the name of State of Bihar and the State of Bihar has already filed written statement.

Thus, I do not find any illegality in the order impugned. Accordingly, this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

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