

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1621 of 2019**

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Ranjeet Kumar Chaudhary Son of Late Arjun Chaudhary Resident of Village and P.O.- Arar, P.S.- Sanokhar, District- Bhagalpur.

... .. Intervener/Petitioner

Versus

1. Mahadeo Paswan Son of Late Sridhar Paswan Resident of Village Minjumla Arar, P.O.- Arar, P.S.- Sanokhar, District- Bhagalpur.

.... Plaintiff/Opposite Party (1st set)

2. The State of Bihar through Collector, District- Bhagalpur.
3. Anchal Adhikari, Anchal Sanhoula, P.S. Sanhoula, District- Bhagalpur.
4. The Sarpanch Village and P.O.- Arar, Anchal and P.S.- Sanhoula, District- Bhagalpur.

... .. Defendant Opp. Parties (2nd set)

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Appearance :

For the Petitioner : Mr. Ranjan Kumar Jha, Advocate.
Mr. Raj Nandan Prasad, Advocate
For the Defendants : Mr. Rakesh Kumar Shrivastava, AC to GP-15

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 07-01-2020

The present petition has been filed *"for setting aside the order dated 29.06.2019 passed by learned Sub-Judge, Kahalgaon in Title Suit No. 381 of 2013, whereby a petition dated 29.11.2018 to intervene in the Title Suit No. 381 of 2013 adding him as party defendant has been rejected."*

2. Learned counsel for the petitioner submits that the plaintiff/opposite party no. 1 has brought the instant suit for a declaration that the survey entry in *khatiyān* of the suit land in the name of Sarva Sadharan is wrong and illegal and for declaration of



right, title and interest over the suit land. It is submitted that the suit land is a pond meant for general public of the locality. The petitioner has his own land adjacent to the suit land on which the irrigation work is done from the tank situated on the suit land. It is therefore submitted that the petitioner is entitled to be added as a party to the suit in order to contest the same in his own interest as well as in the interest of the local people.

3. Learned counsel for the State appears and has been heard.

4. Having heard the parties and on consideration of the materials on record, this Court is not inclined to interfere in the matter. The learned court below has satisfactorily dealt with the contention of the petitioner. Applying the two-fold test, it has found that the petitioner was neither a necessary party nor a proper party to the suit. The petitioner could not satisfy how he was using a public pond for his personal use to claim a right over the suit land, or that no effective decree could be passed in the suit in his absence. The learned court below has rightly observed that if the petitioner wishes to represent other persons of the locality he should first seek necessary permission to represent those persons.

5. It is well settled that this Court does not sit in appeal over the impugned order while exercising jurisdiction under Article 227 of the Constitution of India, the scope whereof is primarily only to ensure that the learned Court below acts within the bounds of its



authority. No jurisdictional error in the impugned order has been pointed out by learned counsel for the petitioner. The petition accordingly stands dismissed.

(Vikash Jain, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

