

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9857 of 2018

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1. Md. Jafre Alam
 2. Md. Fakre Alam, Both son of Late Md. Ali, resident of Village- Narga, P.S. Nathnagar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Land and Revenue Department, Govt. of Bihar, Patna.
3. Collector, Bhagalpur.
4. Deputy Collector, Land Reforms, Bhagalpur, Sadar, Bhagalpur.
5. Circle Officer, Nathnagar, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioners	:	None
For the Respondents	:	Mr. Dhurjati Kr. Prasad, GP14
For the Intervenor	:	Mr. Subhash Charndra Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 28-11-2022 Heard learned counsel for the State as well as learned counsel for the intervenor.

Mr. Subhash Chandra Jha, learned counsel for the intervenor submits that he is a necessary party. With mala fide reasons, petitioners have not added him as party respondent.

Learned counsel for the State submits relying upon the statements made in paragraph 9 of the counter affidavit that with regard to the same matter, Title Suit No. 4612 of 2010 is pending in the court of Sub-ordinate Judge, Bhagalpur and this fact has been supported by Mr. Subhash Charndra Jha, learned



counsel for the intervenor.

The dispute between the parties is pending before the competent civil court and any order of mutation in favour of either of the parties shall be governed by the final result of this case.

Since the petitioners are plaintiffs in the Title Suit No. 4612 of 2010, it is for them to get the matter expedited and the mutation matter cannot be kept pending indefinitely for a decision in the Title Suit. If the mutation has been decided in favour of the intervenor, that will be affected only after the judgment in the Title Suit is passed in favour of the plaintiff or against the plaintiff.

With the aforesaid observation and direction, this writ petition is disposed of.

(Sandeep Kumar, J)

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