

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.107 of 2018**

Shiv Shankar Rai Son of Ramashish Gope R/o Village Rajua Bakhari P.S.
Mehsi, District East Champaran. Petitioner/s

Versus

1. The District Magistrate, East Champaran At Motihari
2. The Circle Officer, Mehsi, P.S. Mehsi, East Champaran.
3. Raj Kumar Singh @ Raju Singh Son of Birendra Narayan Singh resident of village Persauni Narkatia P.S. Chakia District East Champaran.
4. Jamuna Rai Son of Ramayan Rai
5. Abhimanyu Rai Son of Late Gaya Rai Both are residents of village Rajua Bakhari P.S. Mehsi, District East Champaran.
6. Vishwanath Rai
7. Amar Deo Rai Both Sons of Late Ramashish Rai Resident of Village Rajua Bakhari, P.S. Mehsi, District East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shakil Ahmad Khan, Adv
For the Respondent/s	:	Mr. Rishi Raj Sinha -SC-19
		Mr. Birendra Pd. Singh, AC to SC 19

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 31-08-2022 Heard Mr. Shakil Ahmad Khan, learned counsel for the petitioner and Mr. Birendra Pd Singh, learned AC to SC-19 for the respondents.

2. By the impugned order dated 24.11.2016 passed in Title Suit No. 250/2012, two amendment petitions filed by the petitioner for amendment in plaint has been rejected.

3. Learned counsel for the petitioner confines his prayer before this Court with regard to one amendment petition and forgoes and concedes his case with regard to rejection of the amendment petition by which the petitioner/plaintiff has sought to add Mukhiya, Prakhand Vikas Padadhikari and Panchayat Sachiv as defendants. But insofar as another petition for



amendment in which the petitioner has sought certain lines to be added in paragraph-6 of the plaint, learned counsel for the petitioner submits that the petitioner has filed the suit for declaration of title against the State Government *inter alia* on the facts that the suit land was settled in favour of the ancestor of the petitioner/plaintiff in the year 1938 by the Ex-landlord and after abolition of *Zameendari*, the Ex-landlord submitted return showing plaintiff and his family members as *Raiyat* and on that basis *Jamabandi* was created and the petitioner along with his family members have been enjoying the benefits of the land and constructed his house also upon the same. The occasion to file Title Suit arose when the State authorities started constructing road upon the suit land under the scheme of Pradhan Mantri Gram Sarak Yojna.

4. He further submits that the petitioner/plaintiff has made Collector, C.O. and other State authorities as party in the suit. He further submits that an amendment to the plaint has been filed only for the purpose of adding the fact that on the land on which the petitioner and his family members have got title and have been residing upon the same since 1938, the Mukhiya has approved construction of his house on the same under the Indira Awas Yojna.



5. Learned counsel for the State has got no objection if the aforesaid amendment with regard to adding certain lines in paragraph-6 by plaintiff/petitioner is allowed by this Court.

6. Having regard to the facts that the amendment sought to be done by the petitioner by adding some lines in para-6 of the plaint regarding construction of house under Indira Awas Yojna shall not prejudice the case of the defendant and further the State has got no objection for such amendments, if allowed. As such, the impugned order to the extent of rejecting the second amendment petition dated 09.04.2015 is set aside and the amendment sought by the petitioner in para-6 as mentioned in the petition dated 09.04.2015 with regard to adding some lines in para-6 of the plaint is allowed.

7. It is made clear that this Court is not interfering with the impugned order with regard to rejection of the petition for impleading Mukhiya, Prakhanda Vikas Padadhikari and Panchayat Sachiv as defendants under Order 1 Rule 10 filed on the basis of petition dated 09.04.2015.

8. The petition stands partly allowed.

(Anil Kumar Sinha, J)

perwez

U			
---	--	--	--

