

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15624 of 2016

Ram Dayal Yadav Son of Late Bhauchand Yadav resident of Mohalla -
Chaitola, P.S. Sultanganj, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Patna Division, Patna
3. The Collector, Patna
4. The D.C.L.R., Patna Sadar, Patna
5. Indu Devi Wife of Late Tripurari Prasad resident of Ranighat, Mahendru,
P.S. Sultanganj, District Patna at Present residing at Mohalla - Tekari Road,
Gali No. 6, Paschim Gali, Pathar Ki Masjid, P.S. Sultanganj, District Patna
6. Basudeo Prasad Yadav
7. Ganesh Yadav
8. Shankar Yadav All Sons of Late Bangali Yadav All residents of Mohalla -
Chaitola, P.S. Sultanganj, District - Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Surya Nilambari, Advocate
For the Respondent/s : Mr. Sajid Salim Khan-Sc25

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 24-11-2022 Heard Mr. Chitranjan Sinha, who has vehemently
argued his case that the order needs interference.

In the opinion of this Court, the dispute between
the parties can only be decided by the Civil Court.

This application is disposed of with an observation
that the petitioner may file an intervenor application for being
added as defendant in Title Suit No. 220/2022 if he so desires.
In case an intervenor application is filed under Order-1, Rule-10
of C.P.C., the Subordinate Judge -IX, Patna will decide the



intervention application within two weeks of its filing and will not delay the decision on the intervenor application.

In view of the law laid down by the Supreme Court that if a party has interest in the property, he should be heard, if the petitioner is added as defendant, thereafter, the suit shall proceed on day-to-day basis without causing unnecessary delay.

The petitioner may file an injunction application before the Sub-Judge-IX, in whose Court, the Title Suit 220/2022 is pending.

If any Injunction application is filed by the petitioner, the Sub-Judge-IX will decide the same within one month of filing of the Injunction application.

The petitioner is given liberty to approach this Court for modification of this order, if the Court below fails to conduct the Suit as per the direction of this Court.

With the aforesaid observations and directions, this writ petition is disposed of.

(Sandeep Kumar, J)

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