

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1106 of 2017

Deo Sharan Mahto son of Late Madho Mahto resident of Village - Dih,
Barbigha, Police Station - Barbigha, District - Sheikhpura.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Commissioner, Patna Division, Patna.
3. Collector of the District, Patna.
4. Deputy Collector Land Reforms, Sadar, Patna.
5. Circle Officer, Sadar, Patna.
6. Officer Incharge, Kankarbagh Police Station, Patna.
7. Indu Devi wife of Late Tripurari Prasad resident of Ranighat, Mahendru,
P.S. Sultanganj, District Patna at present resident of mohalla - Tekari Road,
Gali No. 6, Paschimi Gali, Pather Ki Masjid, P.S. Sultanganj, District Patna.
8. Basudeo Prasad Yadav
9. Ganesh Yadav
10. Shankar Yadav All sons of Late Bangali Yadav All residents of mohalla -
Chaitola, Police Station - Sultanganj, town and District - Patna.
11. Ram Dayal Yadav son of Late Bhauchand Yadav resident of mohalla
Mahendru, Police Station - Sultanganj, town and District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Respondent/s : Mr. Subhash Chandra Yadav GP-15

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

12 15-11-2022

Heard the parties.

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

At this juncture, Mr. J.P. Singh learned counsel
appearing for some of the intervenor/respondent no.7 has
submitted that Title Suit No. 220/2022 has been filed by the



respondent no.7 in which the legal heirs of the vendor of the petitioner are defendants and the petitioner can participate in the suit proceedings by getting himself added as defendant.

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 and if he so desires he can file an intervenor application is filed under Order-1, Rule-10 of C.P.C.

The Subordinate Judge -IX, Patna will decide the aforesaid 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 not be left in lurch, if the petitioner is added as defendant, then the suit shall proceed on day-to-day basis without causing unnecessary delay.

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.

If any injunction petition is filed by the petitioner in the Court below then the same shall also be decided within two weeks of its filing.

The interim order dated 22.09.2022 will be subject



to the result of any order to be passed by the Subordinate Judge
in the injunction matter.

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

(Sandeep Kumar, J)

Guddu/-

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