

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1603 of 2017

1. Daya Nand Tiwary
2. Kameshwar Tiwary Sons of Late Ram Prasad Tiwary
3. Shaligram Tiwary
4. Nitya Nand Tiwary Sons of Late Deo Prasad Tiwary All residents of Village Jagdishpur, P.O. - Kaituka Lachchi, P.S. - Maker, District - Saran.

... .. Petitioner/s

Versus

1. Satyadeo Tiwary Son of Late Radha Mohan Tiwary Resident of Village - Jagdishpur, P.O. Lachchi Kaituka, P.S. Maker, District - Saran.
2. The State of Bihar through the Principal Secretary, Department of Land Reforms and Revenue.
3. The Collector, Saran.
4. The Circle Officer, Maker Circle at P.O. and P.S. Maker, District - Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nagendra Rai
For the Respondent/s : Mr. Sajid Salim Khan -Sc25

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 21-09-2023 Heard the parties.

2. The present application has been filed for setting aside the order dated 27.02.2017 passed by Sub-Judge-8, Chapra in T.S. No. 1169 of 2013 and to dismiss the intervener petition dated 20.11.2015 filed by the respondent no. 1.

3. Learned counsel for the petitioners has challenged the order dated 20.11.2015 by which the intervention application filed by the intervener (respondent no. 1) has been allowed. The case of the intervener in the court below is that at his instance the Public Land Encroachment Act proceeding was initiated in



the court below and in the suit also the State was not taking any interest and the case has proceeded ex-parte against the State.

4. Learned counsel for the petitioners submit that the State has taken steps for recall of the order.

5. Learned counsel for the State submits that in this case the State is taking interest, therefore there is no need of adding the respondent no. 1.

6. I am of the view that the intervener is not necessary or proper party and he should not have been added as defendant in this case.

7. In view of the above, this application is allowed.

8. It is expected that henceforth the State through Government Pleader will prosecute the case.

(Sandeep Kumar, J)

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