

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.496 of 2022

1. Baleshwar Kamat @ Baleshwar Kamti @ Baleshwar Vishwas Son of Late Ram Prasad Kamat Resident of Village- Bhelwa, Ward No. 4, P.S.- Madhepura, District- Madhepura.
2. Sitaram Kamti Son of Late Ram Prasad Kamat Resident of Village- Bhelwa, Ward No. 4, P.S.- Madhepura, District- Madhepura.
3. Shivnarayan Kamti Son of Late Ram Prasad Kamat Resident of Village- Bhelwa, Ward No. 4, P.S.- Madhepura, District- Madhepura.
4. Binod Kamti Son of Late Ganga Kamat Resident of Village- Bhelwa, Ward No. 4, P.S.- Madhepura, District- Madhepura.
5. Rajkumar Kamti @ Raj Kumar Son of Late Ganga Kamat Resident of Village- Bhelwa, Ward No. 4, P.S.- Madhepura, District- Madhepura.
6. Sanjay Kamti @ Sanjay Kumar Son of Late Vishwanath Kamat Resident of Village- Bhelwa, Ward No. 4, P.S.- Madhepura, District- Madhepura.
7. Ravindra Kamti Son of Late Vishwanath Kamat Resident of Village- Bhelwa, Ward No. 4, P.S.- Madhepura, District- Madhepura.
8. Badri Kamti Son of Late Bhagwat Kamat Resident of Village- Bhelwa, Ward No. 4, P.S.- Madhepura, District- Madhepura.
9. Ashok Kamti Son of Late Bhagwat Kamat Resident of Village- Bhelwa, Ward No. 4, P.S.- Madhepura, District- Madhepura.
10. Upendra Kamti Son of Late Bhagwat Kamat Resident of Village- Bhelwa, Ward No. 4, P.S.- Madhepura, District- Madhepura.
11. Doli Kumari D/o Late Siyaram Kamat Resident of Village- Bhelwa, Ward No. 4, P.S.- Madhepura, District- Madhepura.
12. Jyoti Kumari D/o Late Siyaram Kamat Resident of Village- Bhelwa, Ward No. 4, P.S.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Madhepura.
2. The Anchal Adhikari, Madhepura.
3. Bihar Grid Company Ltd. through its General Manager.
4. General Manager Bihar Grid Company Ltd., Bihar.
5. North Bihar Power Distribution Company Ltd., through its Secretary.
6. Managing Director, North Bihar Power Distribution Company Ltd.
7. Assistant Electrical Engineer (Project) Electrical Supply Division, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar, Advocate



For the Respondent/s : Mr. Harendra Kumar Tiwary, Advocate
Mr. Anand Kumar Ojha, Advocate
For the State : Mr. Arif Daula Siddiqui, AC to SC 25

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 31-10-2023 Heard the parties.

2. The present application has been filed for quashing the order dated 04.03.2022 passed by the learned Additional District Judge – III, Madhepura in Misc. Civil Appeal No. 02 of 2021 by which the appeal filed by petitioners against the order dated 19.02.2021 passed by the learned Civil Judge Senior Division– V, Madhepura in T.S. No. 362 of 19 has been dismissed.

3. It is not in dispute that the Court should not grant injunction in matters of public importance where the projects have been launched by Government Authority and in this view of the matter, this application is disposed of with direction to the learned Civil Judge Senior Division-V, Madhepura to decide Title Suit No. 362 of 2019 within one year from the date of communication of the order. The Court below will proceed ex-parte against the non-cooperating party.

4. At this juncture, Mr. Ojha, learned counsel for the respondents submits that Power Grid is a necessary party which has not been added in the case by the plaintiff. Liberty is granted to the plaintiff as well as Mr. Ojha's client to file an



impleadment application in the Court below and if such an application is filed, Power Grid will be impleaded as defendant to avoid multiplicity of litigation. It has further been submitted that Bihar Grid Company Limited is not a party in the suit. Therefore, it has unnecessarily been added in the present proceeding. When Bihar Grid Limited is not a party in the suit, it should not have been added in the writ petition.

5. Accordingly, this application stands disposed of.

6. Let a copy of this order be communicated to the District Judge, Madhepura for its compliance through FAX or e-mail forthwith.

(Sandeep Kumar, J)

P. Kumar

