

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.123 of 2023

In
Civil Writ Jurisdiction Case No.1024 of 2022

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1. Mukesh Kumar Agarwal S/o Vijay Kumar Jhunkhuwala, R/o Lal Bazar, Ward No. 24, Sowa Babu Chowk, Bettiah, P.S. and P.O. Bettiah, District- West Champaran.
 2. Srimati Urmila Devi Widow of Late Sunil Kumar Agarwal, R/o Surya Complex, Lal Bazar, P.S. and P.O. Bettiah, District- West Champaran.
 3. Sumit Agarwal S/o Late Sunil Kumar Agarwal, R/o Surya Complex, Lal Bazar, P.S. and P.O. Bettiah, District- West Champaran.

... .. Petitioner/s

Versus

1. Anup Kumar Agarwal S/o Late Shambhu Prasad Agarwal @ Jhunjhunwala, Resident of Agarwal House, Sowa Babu Chowk, Lal Bazar, P.S. Bettiah, District-West Champaran.
2. The State of Bihar through the Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Main Secretariat, Patna.
3. The Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Main Secretariat, Patna.
4. The Commissioner, Tirhut Division, Bettiah (West Champaran).
5. The Collector, Collectorate Officer, Bettiah (West Champaran).
6. The Deputy Collector Land Reforms, Bettiah Sadar, Bettiah (West Champaran).
7. The Circle Officer, Bettiah (West Champaran).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Prasad Singh, Senior Advocate Mr. Vaibhava Veer Shanker Mr. Sameer Sawarn
For the Respondent	:	Mr. S.D. Sanjay, Senior Advocate Mr. Mohit Aggrawal Mr. Vishal Kumar Mr. Sushmita
For the State	:	Mr. Khurshid Alam, A.A.G.-12

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 13-03-2024 Heard Mr. Umesh Prasad Singh, learned Senior Advocate for the petitioners and Mr. S.D. Sanjay, learned Senior Advocate for the Respondents (writ petitioners) and the learned



counsel appearing on behalf of the State.

2. C.W.J.C. No. 1024 of 2022 was disposed of with certain directions on 30.11.2022.

3. Learned Senior Counsel for the petitioners has submitted that a Partition Suit No. 562 of 2009 is pending between the petitioners and the Respondent No. 1 and other family members. The Respondent No. 1 without making the petitioners as party who were plaintiffs in the partition suit and objectors in a mutation proceeding, filed the writ petition and order dated 30.11.2022 was passed.

4. Mr. Umesh Prasad Singh, learned Senior Counsel submits that the writ petition could not have been filed by the respondent no. 1 without making the petitioners as party in the writ petition as they were objectors in the mutation proceeding and they were plaintiffs in Partition Suit No. 562 of 2009.

5. Mr. S.D. Sanjay, learned Senior Counsel appears on behalf of Respondent No. 1 and has submitted that rights of the petitioners has been protected by this Court which is apparent from the discussion made in page No. 2 of the order dated 30.11.2022 and, therefore, the civil review is fit to be dismissed.

6. I have considered the arguments advanced by both the sides.



7. Once when the petitioners were objectors in mutation proceeding and they were plaintiffs in the partition suit, they should have been made party in the writ petition by the Respondent No. 1.

8. The order dated 30.11.2022 has been passed in C.W.J.C. No. 1024/2022 without making the petitioners as party and without hearing them.

9. In that view of the matter, this Civil Review application is allowed. The order dated 30.11.2022 passed in C.W.J.C. No. 1024/2022 is recalled.

10. The writ petition is directed to be listed before the appropriate Bench assigned with the subject as per the Roster.

11. It is expected that Respondent No. 1 will add the petitioners as Respondents in the writ proceedings.

(Sandeep Kumar, J)

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