

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13091 of 2017

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1. Ram Naresh Singh and Anr
 2. Ram Suresh Singh @ Suresh Singh Both Son of late Nathuni Singh Resident of Village- Sarasar, P.S.- Siwan Muffasil, Distt. - Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Collector, Siwan.
3. The Addl. Collector, Siwan.
4. The Circle Officer, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arbind Kumar, Adv. Mr. Madhuri Lata, Adv.
For the Respondent/s	:	Mr. Birendra Prasad Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-07-2025 Heard the parties.

2. The present writ petition has been preferred:

*for issuance of an appropriate
Writ/Writs /direction/directions to the
Respondents for quashing Gazette notification
dated 16.1.2004 with regard to the land of
Khata No-910 Khesara No-1044 and 1045
situated at village sarsar, circle Siwan Sadar,
Dist -Siwan of ceiling Case No-213/73-74
which was purchased by the petitioners in the
year 1961 has been declared as surplus Land
and acquired without any Notice to the
petitioners and without proceeding under
section 5 (1) (iii) of Bihar Land Reforms (Fix
of Ceiling Land) Act in ceiling proceeding and
for further quashing that part of the order
dated 19.2.2004 and 24.2.2004 of Abhilekh*



No-4 by which the above said land was settled by the respondents authorities. And for further quashing order dated 6.6.2017 passed by respondent No-3 in case no-2 of 2005-2006 which was disposed of on the ground of no jurisdiction after keeping the case pending for 12 years.

3. At the outset, learned State Counsel submits that 2004 Gazette notification has been challenged in the year 2017 and as such, the same is fit to be dismissed. He further submits that the order dated 19.02.2004 passed by the Circle Officer, Siwan as also the order dated 24.02.2024 passed by the Deputy Collector Land Reforms, Siwan incorporates the name of the landless people whom the land was to be settled. He submits that a perusal of the list of respondents show that none of them have been made party respondent and as such, it is fit to be dismissed for non-joinder of necessary parties.

4. From perusal of the record, this Court finds that on 28.04.2025, on the ground of illness of the learned counsel for the petitioner, Mrs. Madhuri Lata, an adjournment was made.

5. Today, on call, Mr. Arbind Kumar submits that he has received no objection on behalf of the petitioner which he is filing in the Court. The same is accepted.

6. This Court is in full conformity with the submissions put forward by the learned State Counsel. The order in question



incorporates the details of the landless persons in whose favour the *parcha* was to be issued. The same is part of the writ petition but deliberately, the petitioner chose not to implead them as party respondent.

7. In the case of **Chief Conservator of Forests, Government of Andhra Pradesh Vs. Collector and Others [reported in (2003) 3 SCC 472]**, the Hon'ble Supreme Court states that the necessary party in a dispute must be impleaded in the suit or proceeding and failure to do so, the petition cannot be entertained.

8. Here also, any order passed in favour of the petitioner will have direct bearing on the landless persons whose names find incorporated in the order of the Deputy Collector Land Reforms, Siwan as also the Circle Officer, Siwan. However, they have not been made party respondent.

9. In that background, the writ petition is dismissed on the ground of non-joinder of necessary parties.

10. Pending I.A.(s), if any, also stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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