

Ram Bilash Singh and ors Vs. State and ors

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Court : Patna

Decided On : Aug-30-2013

Appellant : Ram Bilash Singh and ors

Respondent : State and ors

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Civil Writ Jurisdiction Case
No.6593 of 1992

===== 1.

Ram Bilash Singh son of Bhagirath Singh 2. Krishna Kumar Singh, son of late Bal Keshwar Singh, both residents of village- Chiraila, P.S. Barun, District- Aurangabad. Petitioner/s Versus 1. The State of Bihar.

2. Mohan Singh son of late Matar Singh, resident of village Dudhela, P.S. Barun, District- Aurangabad.

3. Assistant Consolidation Officer, Barun, Aurangabad.

4. Consolidation Officer, Barun, Aurangabad.

5. Deputy Director, Consolidation, Aurangabad.

6. Joint Director, Consolidation, Aurangabad. Respondent/s

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Appearance : For the Petitioner/s : Mr Dhirendra Kumar Sinha For the Respondent

No.1 & 3 to 6: Mr. Kundan Bahadur Singh, SC-22 For the Respondent No.2 : Mr.
Ashok Kumar, with Mr. Virendra Kr."Munna"

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA ORAL

JUDGMENT

Date:

30. 08-2013 Heard the parties. The petitioners are aggrieved by the order dated 06.05.1992 (Annexure-1) passed in Consolidation Revision Case No. 242 of 1983-84 by the respondent Joint Director of Consolidation, Gaya. The aforesaid revision application was filed by one Mohar Singh wherein altogether nine persons were impleaded as respondents including the petitioners. In the present writ petition filed under Article 226 and 227 of the Constitution of India, contesting respondent Balkeshwar Singh and respondent no. 4 to 9 of the aforesaid Revision Case No. 242 of 1983-84 have not been impleaded as parties. Apparently, the present writ petition suffers from non-joinder of necessary parties. In absence of aforesaid Balkeshwar Singh and respondent no. 4 to 9 of the aforesaid revision case, namely, Nathun Patna High Court CWJC No.6593 of 1992 dt.30-08-2013 2/2 Singh, Chandradeo Singh, Sohrai Singh, Kail Singh, Kesho Singh and Somaru Singh, the present writ petition cannot proceed and cannot be effectively decided, as there cannot be two contrary and contradictory orders in one common lis, one against a person who has been impleaded as party and other against those who have been left out and have not been impleaded as parties, by the petitioners. In the result, the writ petition has to fail and is, accordingly, dismissed on the ground of non-joinder of necessary parties. However, there shall be no order as to costs. (Birendra Prasad Verma, J) BTiwary/-

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