

In the court of Sub Judge – II, Patna City

T.S. - 184/13

13-09-21

Original Re-show cause notice's postal receipt for defendant no. 6 alongwith tracking report and a copy of notice issued by defendant no. 03 through a junior authority as C.O. Sadar, Patna is filed on behalf of plaintiff and others several learned advocates. Fresh Vakalatnama is filed on behalf of Bihar Rajya Pool Nirman Nigam Limited. Show cause on behalf of project manager, S.P Singla Construction Pvt. Ltd. is also filed. Several learned advocates appearing on behalf of plaintiff have prayed for granting *status quo* till appearance of all defendant. Learned advocates appearing on behalf plaintiff have also submitted that without any authority, court of C.O., Patna Sadar, has initiated proceeding under Bihar Public Encroachment Act 1956 against the learned advocates though Civil Proceeding is pending before this court. Learned advocate on behalf of defendant no. 6 has contented that in light of National importance of the Bridge being constructed, and without giving proper opportunity to the party, no order should be passed. Learned advocate appearing on behalf of project manager S.P. Singla construction Pvt. Ltd. has submitted that the company has started the work of construction of the bridge on the order of Ministry of Road Transport Highway, "MORTH" and Ministry of Road Transport Highway (MORTH) being a necessary parties to the suit, be necessarily be made a party and no order be passed without hearing MORTH i.e. Central Government. It is also submitted on behalf of learned advocate appearing on behalf of S.P. Singla Construction Pvt. Ltd. that there is no mention of specific area i.e. Khata No., Khesra No., as disputed suit property. Learned advocates appearing on behalf of plaintiff have submitted that court has power u/o 1 Rule 10 (2) C.P.C. to add MORTH as necessary party to the suit. However learned advocates appearing on behalf of plaintiff has strongly press for passing of *status quo* order.

Heard both parties. Perused the case record and also order dated 06.08.2021 passed by this court. It appears that Ministry of Road Transport

Cont.
13-09-21

Highway (MORTH) is necessary party to the suit and appears to be indispensable in order to enable to court for effective and complete adjudication and for settling all the question involve in the present suit. Accordingly, plaintiff is directed to add of Ministry of Road Transport Highway (MORTH), Union of India, New Delhi as defendant no. 7 and Regional office, Ministry of Road Transport Highway (MORTH), Patna as defendant no. 8. Plaintiff is directed to take necessary step in this regard. Thereafter, plaintiff is directed to fill requisite for issuance of summon and show cause on newly added defendants. Defendant no. 6 is directed to filed show cause reply by next date Put for appearance of newly added defendants, filling of show cause and hearing on 04.10.2021.

Dictated

Succ. Sub Judge - II