

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 509 of 2015

Sanjay Mohnani Alias Tillumal S/o Chuhadmal Mohnani Aged About 60 years
Proprietor Usha General Store Shop No. 02, Indira Market Durg District Durg
Chhattisgarh R/o Sindhi Colony, P.S. City Kotwali, Civil & Revenue District Durg
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Collector Durg, District Durg
Chhattisgarh
2. Municipal Corporation Durg, Through Commissioner, Durg District Durg
Chhattisgarh
3. Mohammad Suberati S/o Late Gulam Kadar Aged About 60 Years R/o
Shanichari Bazar, Durg, District Durg Chhattisgarh

---- Respondents

For Petitioner	:	Shri F.S.Khare, Advocate
For Respondent / State	:	Shri Vinod Tekam, Panel Lawyer

Order On Board

10/07/2015

Heard on admission.

This petition, under Article 227 of the Constitution of India, is preferred against order dated 04/05/2015 by which, petitioner's application for permitting him to present opinion and to take part in proceedings under the provisions of Order 1 Rule 8-A of CPC has been rejected.

2. Learned counsel for the petitioner argued that at one point of time, the Corporation had allotted the land in dispute in his favour. A suit has been filed for declaration of the title on the basis of adverse possession as also for mandatory injunction. The result of the suit directly and substantially affect petitioner's right

which has accrued in his favour by virtue of allotment by the Corporation. The Court below, therefore, has committed serious jurisdictional illegality in rejecting petitioner's application.

3. The impugned order discloses and it is also not disputed by learned counsel for the petitioner that the application of the petitioner for impleadment as necessary party has already been rejected by the court below. The application for impleadment of the parties for the purposes of allowing the petitioner to take part in proceedings can be allowed under the provisions of Order 1 Rule 8-A of CPC only when the Court is satisfied that the petitioner is interested in any question of law which is directly and substantially in issue and that it is necessary in the public interest to allow the petitioner to present his opinion on any question of law. It is not a case of the petitioner that his opinion is necessary on any question of law. Therefore, the provisions of Order 1 Rule 8-A of CPC are not attracted. The petitioner's application for impleading as party has already been rejected. He cannot be allowed to enter into proceedings in the garb of Order I Rule 8-A of CPC.

4. There is no jurisdictional illegality in the order passed by the Court below. The petition is accordingly dismissed.

Sd/-
Manindra Mohan Shrivastava
Judge