

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CR No.1936 of 2014 (O&M)
Date of decision: 07.09.2015**

Gram Panchayat, Village Balian

...Petitioner

versus

Jagwinder Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Harkesh Manuja, Advocate,
for the petitioner.

Mr. B.S. Sewak, Advocate,
for respondent Nos. 2 to 5.

Mr. J.S. Bandhol, Advocate,
for respondent Nos. 6 to 10.

RITU BAHRI, J.

Challenge in this petition is to the order dated 13.01.2014 passed by the Civil Judge (Junior Division), Dhuri, whereby application filed by the petitioner under Order 1 Rule 10 CPC for being impleaded as defendant, has been dismissed.

Plaintiffs-respondent Nos.1 to 5 in a representative capacity have filed a suit for permanent injunction restraining the defendants-respondent Nos.6 to 10 from filling the village *tobha* (pond) illegally and arbitrarily and for obstructing the disposal of water of entire village in the said *tobha* (pond).

Upon notice, written statement was filed by the defendant Nos.2 to 5 (Annexure P-2) stating therein that the Gram Panchayat of village Balian, vide resolution dated 03.08.2010 had given the land measuring 19

Bighas 14 Biswas to increase the area of Grain Market, which was lying vacant and was not being used for disposal of waste. The said resolution has already been sent to the Director, Panchayat through B.D.P.O., Sherpur for approval.

Accordingly, in their written statement, the defendants have admitted that some resolution of the Gram Panchayat had been passed vide which Grain Market was given the land in dispute. In this background, the application of the Gram Panchayat-petitioner for being impleaded as a party defendant should have been allowed because interest of the Gram Panchayat was involved. A perusal of the written statement (Annexure P-2) shows that a *tobha* (pond) is existing in the Khasra numbers, which are subject matter of resolution dated 03.08.2010.

In view of the above, the impugned order dated 13.01.2014 (Annexure P-5) is set aside and the application filed by Gram Panchayat-petitioner under Order 1 Rule 10 CPC is allowed. Gram Panchayat, Village Balian is ordered to be impleaded as party defendant to contest the suit.

Allowed accordingly.

(RITU BAHRI)
JUDGE

07.09.2015
ajp