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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 285/2016
M L GOEL

..... Petitioner
Through Mr. Rakesh K. Sharma and Mr. Satya
Prakash, Advs.

versus

UNION OF INDIA & ORS

..... Respondents
Through Mr. Vijay Joshi, Adv. for R-1.
Mr. Devvrat, Adv. for R-2.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **22.03.2016**

CM(M) 285/2016 & C.M. Nos.10894-97/2016

The petitioner is aggrieved by the finding returned on his application under Order 1 Rule 10 of the CPC wherein in a pending reference under Section 30 of the Land Acquisition Act, the petitioner (M.L. Goel) had sought impleadment under the provisions of under Order 1 Rule 10 of the CPC; his submission being that he is the owner of the property for which compensation is pending and as such he be impleaded as a necessary party.

This Court has been informed that the proceedings were pending before the SDM for adjudication of the title of the suit land which is stated to be 1 bigha and 1 biswal in khasra No. 91/8-1, Village Mundka, Delhi. Submission being that he is the only claimant for compensation qua this land and as such his impleadment in the present proceedings

would be necessary.

This application had been declined and rightly so.

Record shows that certain proceedings qua a part of this suit land situated in the aforementioned khasra had been initiated by one Atma Ram. The SDM had passed an order on 15.07.2005; the order was assailed before the higher authorities. The order of the Financial Commissioner is dated 23.02.2011. Record further shows that before the Land Acquisition Collector, no objection had ever been filed by the petitioner. The name of the applicant also does not appear in the revenue records. No such document has also been placed on record. The submission of the learned counsel for the petitioner by placing reliance upon a judgment of the Apex Court reported as (2013) 11 SCC 296 Ram Praksh Agarwal and Another Vs. Gopi Krishan (dead through L.Rs) and Others to support a submission that the proceedings which are the result of a fraud are non-est is a proposition of law which is undisputed. There is no dispute to this proposition. However, the same cannot be applied to the factual matrix of the instant case; whether the Gaon Sabha (who is now claiming compensation) is seeking to obtain an order based on fraud or otherwise cannot be decided in this reference petition under Section 30 of the Land Acquisition Act. These proceedings will not adjudicate on the title of the parties. Admittedly the petitioner has not approached any forum to get his title perfected; he had admittedly not filed any objections even before the LAC. At this stage, at the time when the ratio of the claim of compensation is being determined under Section 30 by the Reference Court, the impleadment of the petitioner would be wholly uncalled for and would in fact derail the entire proceedings which is not the import of

an order which can be passed under Order 1 Rule 10 of the CPC.

This petition is nothing but an abuse of the process of the Court.
Dismissed with costs quantified at Rs.10,000/-.

INDERMEET KAUR, J

MARCH 22, 2016

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