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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1074/2014 & C.M. No.20041/2014
HIMADRI SHEKHAR TYAGI

..... Petitioner

Through Mr. Sharvan Dev, Advocate

versus

VINAY TYAGI & ORS.

..... Respondents

Through Mr. Santosh Kumar Tripathi, ASC,
GNCTD

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **27.01.2016**

Petitioner before this Court is Himadri Shekhar Tyagi who is stated to be a whistle blower and concerned with the rights of the public qua encroachment of public land.

The present suit is a suit which has been filed by Vinay Tyagi and Ors against the respondents; the contesting respondent is Gaon Sabha Jharoda Majra Burari. Petitioner is admittedly not a party in the suit.

The averments made in his application under Order I Rule 10 of the CPC have been perused. He claims himself to be a necessary and a proper party on the ground that he has to watch the interest qua this public land. The averments in his application disclose that certain proceedings were pending before the SDM which were adjudicated upon. The Financial Commissioner passed an order directing the

SDM to adjudicate the matter afresh (relating to the title of the land). Directions had been given to the Financial Commissioner on 25.02.2011 which were to be complied with by the Tehsildar. The contention before this Court in terms of this application is that this matter is not progressing before the concerned Revenue Authorities and that is the grievance of the petitioner and accordingly he has prayed for impleadment in the suit which has been filed by Vinay Tagy and Ors.

The impugned order while dismissing the application under Order 1 Rule 10 of CPC had correctly noted the legal position that a person may be joined as a party to the proceedings in terms of the provisions of Rule 10 Order I. Only if he is either a necessary or a proper party meaning thereby that without whom the matter cannot be effectively adjudicated upon.

The present suit is inter-se between the plaintiff Vinay Tyagi against the defendant Gaon Sabha Jharoda Majra Burari where the impleadment as prayed for by the petitioner (claiming himself to be a whistle blower) is uncalled for as he neither qualifies as a necessary and nor a proper party to the above mentioned suit. It is not a public interest litigation.

Impugned order calls for no interference. Petition is without any merit. Dismissed.

INDERMEET KAUR, J

JANUARY 27, 2016

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