

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 497 of 2016**

- Sanjay Khandelwal S/o Shri Moolchand Khandelwal, Aged About 49 Years R/o Sai Mangalam Vyapar Vihar, P.S. Tarbahar, Tehsil Bilaspur, Civil And Revenue District Bilaspur, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, Mandir Hasaud, District Raipur, (Chhattisgarh)
2. Municipal Corporation Bilaspur, Through Commissioner, Municipal Corporation Bilaspur, Vikas Bhawan, Nehru Chowk, Bilaspur, (Chhattisgarh)
3. Joint Director, Town And Country Planning, Regional Office, New Composite Building, Collectorate Premises, Bilaspur, District Bilaspur, (Chhattisgarh)
4. Bilaspur Infrastructure Pvt. Ltd. A Company Duly Incorporated Under The Provisions Of The Companies Act 1956, Having Its Registered Office At Bf 1, 1st Floor Rajiv Plaza Bilaspur Chhattisgarh
5. Commissioner, Municipal Corporaiton Bilaspur, Vikas Bhawan, Nehru Chowk, Bilaspur, Chhattisgarh
6. Hari Prasad Budhia, S/o Late Shri Murlidhar Budhia, Aged About 70 Years R/o Nanakram Murlidhar, City Kotwali, Chowk, Shastri Nagar, Bilaspur, Distirct Bilaspur Chhattisgarh
7. Parvinder Singh Rajpal, S/o Late Shri Harbans Singh, Rajpal, Aged About 41 Years R/o Dayalbandh, Near Gurudwara, Bilaspur Chhattisgarh

---- Respondents**And****WA No. 498 Of 2016**

- Sanjay Khandelwal S/o Shri Moolchand Khandelwal, Aged About 49 Years R/o Sai Mangalam Vyapar Vihar P. S. Tarbahar Tehsil Bilaspur Civil And Revenue District Bilaspur, Chhattisgarh.

---- Petitioner**Vs**

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
2. Joint Director, Town And Country Planning, Bilaspur, Chhattisgarh.
3. Municipal Corporation Bilaspur Through Commissioner, Bilaspur, Chhattisgarh.
4. Aman Agrawal, Director, Bilaspur Infrastructure Private Limited, R/o Kranti Nagar, Bilaspur, Chhattisgarh.
5. Tejpal Saluja, S/o Shri Jagat Singh Saluja, Aged About 40 Years R/o Tarbahar Chowk, Bilaspur, Police Station Tarbahar, District Bilaspur, Chhattisgarh.
6. Motilal Thawran, S/o Shri Amritlal Thawran, Aged About 38 Years R/o Bandhwapara, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondents

And

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- Sanjay Khandelwal S/o Shri Moolchand Khandelwal, Aged About 49 Years R/o Sai Mangalam Vyapar Vihar P. S. Tarbahar Tehsil Bilaspur Civil And Revenue District Bilaspur, Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Commissioner, Municipal Corporation Bilaspur, Vikas Bhawan, Nehru Chowk, Bilaspur, Chhattisgarh.
3. Joint Director, Town And Country Planning, Bilaspur, District Bilaspur, Chhattisgarh.
4. Bilaspur Infrastructure Pvt. Ltd. A Company Duly Incorporated Under The Provisions Of The Companies Act, 1956, Having Its Registered Office At B F- 1, 1st Floor, Rajiv Plaza, Opposite Axis Bank, Bilaspur, Chhattisgarh Through Ashok Agrawal, Aged About 51 Years, S/o Late Shri Jagmohan Das Agrawal, R/o Kranti Nagar, Bilaspur, District Bilaspur (Chhattisgarh)

---- Respondents

And

WA No. 502 Of 2016

- Sanjay Khandelwal S/o Shri Moolchand Khandelwal, Aged About 49 Years R/o Sai Mangalam Vyapar Vihar P. S. Tarbahar Tehsil Bilaspur Civil And Revenue District Bilaspur, Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, Mandir Hasaud, District Raipur, Chhattisgarh.
2. Municipal Corporation Bilaspur Through Commissioner, Municipal Corporation Bilaspur, Vikas Bhawan, Nehru Chowk, Bilaspur, Chhattisgarh.
3. The Joint Director, Town And Country Planning, Regional Office, New Composite Building, Collectorate Premises, Bilaspur, District Bilaspur Chhattisgarh.
4. Commissioner, Municipal Corporation Bilaspur, Vikas Bhawan, Nehru Chowk, Bilaspur, Chhattisgarh.
5. Bilaspur Infrastructure Pvt. Ltd. A Company Duly Incorporated Under The Provisions Of The Companies Act, 1956, Having Its Registered Office At B F- 1, 1st Floor, Rajiv Plaza, Bilaspur, Chhattisgarh.
6. Deepak Choudhary, S/o Shri G. C. Choudhary, Aged About 45 Years R/o Flat No. 446, Vaishali Tower, Near Gudakhu Factory, Shankar Nagar, Police Station Shankar Nagar, Bilaspur Chhattisgarh.

---- Respondents

And

WA No. 564 Of 2016

- Dinesh Verma S/o Late Shri Shivshankar Verma Aged About 51 Years R/o Juna Bilaspur, P.S. City Kotwali, Tehsil Bilaspur, Civil And Revenue District- Bilaspur, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through- Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Commissioner, Municipal Corporation Bilaspur, Vikas Bhawan, Nehru Chowk, Bilaspur, Chhattisgarh
3. Joint Director, Town And Country Planning Bilaspur, District Bilaspur, Chhattisgarh
4. Bilaspur Infrastructure Pvt. Ltd. A Company Duly Incorporated Under The Provisions Of The Companies Act, 1956, Having Its Registered Office At Bf-1, 1st Floor, Rajiv Plaza, Opposite Axis Bank, Bilaspur, Chhattisgarh, Through- Ashok Agrawal, Aged About 51 Years, S/o Late Shri Jagmohan Das Agrawal, R/o Kranti Nagar, Bilaspur, District- Bilaspur, Chhattisgarh

---- Respondents

And

WA No. 565 Of 2016

- Dinesh Verma S/o Late Shri Shivshankar Verma Aged About 51 Years R/o Juna Bilaspur, P.S. City Kotwali, Tehsil Bilaspur, Civil And Revenue District- Bilaspur, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through- Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Municipal Corporation Bilaspur, Through Commissioner, Municipal Corporation Bilaspur, Vikas Bhawan, Nehru Chowk, Bilaspur, Chhattisgarh
3. The Joint Director, Town And Country Planning Regional Office, New Composite Building, Collectorate Premises, Bilaspur, District Bilaspur, Chhattisgarh
4. Commissioner, Municipal Corporation Bilaspur, Vikas Bhawan, Nehru Chowk, Bilaspur, District Bilaspur (Chhattisgarh).
5. Bilaspur Infrastructure Pvt. Ltd. A Company Duly Incorporated Under The Provisions Of The Companies Act, 1956, Having Its Registered Office At Bg-1, 1st Floor, Rajiv Plaza Bilaspur, Chhattisgarh
6. Deepak Choudhary, S/o Shri G.C. Choudhary Aged About 45 Years R/o Flat No. 446, Vaishali Tower, Near Gudakhu Factory, Shankar Nagar, Police Station Shankar Nagar, Bilaspur, Chhattisgarh

---- Respondents

For Appellants	: Shri R.S. Marhas, Advocate
For Respondents	: Shri Avinash Singh, Panel Lawyer, Shri Sourabh Dangi, Shri Abhyuday Singh, Shri Prateek Sharma, Shri Manoj Paranjpe, Ms. Pushpa Dwivedi, Advocates.

Hon'ble Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice Sharad Kumar Gupta

Judgment on Board

Per Thottathil B. Radhakrishnan, Chief Justice

27.07.2017

1. These writ appeals are against different orders by which applications seeking intervention or impleadment in writ petitions relating to allotment of particular municipal land or shop-rooms were dismissed.
2. Under challenge in the writ petitions is a decision of the Municipal Corporation issued on 04.07.2015. Hearing the learned counsel for the Appellant and learned counsel for the contesting parties, we see that the said order is not one which is rendered on an adversarial matter as between two parties who had raised claims or counter claims before the Municipal Corporation. The learned counsel for the Appellant submitted that the interventions were sought for because the impugned decision of the Corporation was generated on the basis of different complaints, including by the Petitioners, as well as prompted by earlier writ petitions filed at the instance of the persons who sought intervention.
3. The power to grant opportunity of hearing to an intervenor is essentially in the realm of discretion unless of course it is demonstrated to the hilt that the person seeking intervention or impleadment is a necessary party, in whose absence the lis cannot be concluded either way. In the case in hand, the Learned Single Judge has adverted to the matters and has held that the dispute is confined to the question whether the order dated 04.07.2015 by the Municipal Corporation is proper, legal and justified and that such issue is exclusively to be fought out by writ petitioners and the Municipal Corporation. It was accordingly that the

Learned Single Judge refused the applications for intervention or impleadment as the case may be. We therefore see no irregularity, impropriety or error of facts in the Learned Single Judge having dismissed the applications and in having issued the order impugned in these writ appeals. Hence, we do not find any ground to interfere with the impugned orders.

4. In the result, the writ appeals are dismissed.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge