

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W. A. No. 451 of 2018**

(Arising out of order dated 03.04.2018 passed in W.P.(C) No. 1196 of 2015 by the learned Single Judge)

- Nirmal Manik S/o Late Shri Vijay Manik Aged About 58 Years Occupation- Press Reporter, R/o Jabdapara, Sarkand, District- Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. Bilaspur Infrastructure Private Limited Registered Office At Bf- 1, 1st, Floor, Rajiv Plaza, Opposite Axis Bank, Bilaspur, Chhattisgarh, Thourgh Ashok Agrawal, Aged About 51 Years, S/o Late Shri Jagmohan Das Agrawal, R/o Kranti Nagar, Bilaspur, District Bilaspur, Chhattisgarh.
2. State Of Chhattisgarh, Through Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh.
3. Commissioner, Municipal Corporation Bilaspur, Vikas Bhawan, Nehru Chowk, Bilaspur, Chhattisgarh.
4. Joint Director, Town And Country Planning, Bilaspur, District Bilaspur, Chhattisgarh.
5. District Regularization Authority, Through Collector, Bilaspur, Chhattisgarh, District- Bilaspur, Chhattisgarh.

---- Respondents

For Appellant	:	Shri R.S. Marhas, Advocate.
For Respondent-Corporation	:	Shri A.S. Kachhawaha, Advocate

Hon'ble Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Justice Sharad Kumar Gupta****Order on Board****Per Thottathil B. Radhakrishnan, Chief Justice****04.05.2018**

1. We have heard the learned counsel for the Appellant quite in *extensio*.
2. The appeal is against an interim order by which the learned Single Judge

refused to entertain the application for intervention by the Appellant in a writ petition relating to a particular building, the construction of which is subject matter of that writ petition. For one thing the *dominus litus* doctrine would necessarily be the first principle that would apply. Secondly and more importantly, balancing between the concepts of proper parties and necessary parties in writ petitions, the learned Single Judge has taken the view that the Appellant's presence is not necessary for the said writ petition. Reference has been made to an earlier Public Interest Litigation filed by the Appellant. That position notwithstanding, it can never be said that the Petitioner is a necessary party to the writ petition from which this writ appeal arises. We do not see that the writ petitioner is a necessary party to the writ petition and the learned Single Judge has clearly stated reasons for not entertaining the application for intervention.

3. We do not see any ground to entertain this intra-court appeal. The same is accordingly dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge