

110.

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

Civil Revision No.8572 of 2017 (O&M)
Date of decision:22.01.2018

AMI LAL

... Petitioner

Versus

GRAM PANCHAYAT AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sunny Bhardwaj, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Petitioner has filed the present revision petition for setting aside the order dated 09.10.2017 (Annexure P-5) passed by learned Civil Judge (Junior Division), Bhiwani, whereby his application filed under Order 1 Rule 10 CPC seeking his impleadment as defendant has been dismissed.

Learned counsel for the petitioner has argued that respondent No.3-Rampal Singh had filed a suit for declaration that the plaintiff has constructed a park in the name of their ancestor-Tiku Ram at their own expenses upon the land of Gram Panchayat, Dhab Dhani comprised in Khasra No.276 situated at Dhab Dhani, for which the Panchayat had passed a Resolution No.2 dated 16.09.2008. He has further argued that for the same land, the petitioner, being a member of the Gram Sabha, had initiated action against Sumer Singh who is the brother of respondent No.3 and the appropriate authorities had passed an order against him. Even the appeal preferred by Sumer Singh against the action of the Assistant Collector Ist

Grade had been dismissed by the Collector vide order dated 10.03.2009.

Despite the said order passed by the revenue authorities, respondent No.3-Rampal Singh filed a fresh suit for declaration that the Panchayat has passed a resolution for construction of a park in the name of plaintiff's ancestor-Tiku Ram. Learned counsel has stated that since the petitioner, being a member of the Gram Sabha, had already initiated proceedings against the brother of respondent No.3, he has an interest in the property owned by the Gram Panchayat and, therefore, has a right to be impleaded as a party to the suit. But the said application moved by the petitioner under Order 1 Rule 10 CPC has been dismissed by the trial Court questioning the locus of the petitioner that the petitioner is neither the owner of any portion of Khasra No.276 nor he is in possession of the land. He has further stated that since the petitioner had been already pursuing the protection of the said property at the hands of respondent No.3 or his other family members, and on the basis of which, the revenue authorities had passed the order, he has a right to be impleaded.

I have heard learned counsel for the petitioner.

The pleaded case of the petitioner is that the property is owned by the Gram Panchayat. However, on the basis of suit so filed by respondent No.3-Rampal Singh, it is clear that the plaintiff has constructed a park on the property comprised in Khasra No.276 situated at Dhab Dhani on the basis of Resolution No.2 dated 16.09.2008, which was passed by defendant No.2-Block Development and Panchayat Officer, Kairu, District Bhiwani on 07.01.2009. It is clear that in fact the suit is against the Gram Panchayat and the trial Court has rightly observed that the petitioner is neither owner nor in possession of any portion of the suit land comprised in Khasra No.276. The prayer of the petitioner is solely based on the fact that his interest will

certainly be prejudiced in case he is not impleaded as a party in the present suit.

This Court does not find any reason to accept the contention as in what manner the petitioner would be prejudiced in the suit more particularly when the plaintiff has filed the suit impleading the Gram Panchayat and Block Development and Panchayat Officer as parties. This Court is sanguine that the Panchayat is taking care of the land owned by it.

In view of above, since no relief has been claimed against the petitioner, there is no scope for interference in the impugned order. Accordingly, present revision petition stands dismissed.

(HARI PAL VERMA)
JUDGE

22.01.2018
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.