

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Art. 227) No.735 of 2018

Ravi Kumar Yadav, S/o Ramkhilawan Yadav, aged about 37 years,
R/o Lalpur, Post Office Baloda Bazar, Division Bhatapara, Distt.
Balodabazar-Bhatapara (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Revenue Department,
Mahanadi Bhawan, New Raipur, Distt. Raipur (C.G.)
2. Naib Tahsildar, Nipaniya, Tahsil Bhatapara, Distt. Balodabazar-
Bhatapara (C.G.)
3. Sub Divisional Officer (Revenue), Sub Division, Bhatapara, Distt.
Balodabazar-Bhatapara (C.G.)
4. Chief Executive Officer, Janpad Panchayat, Bhatapara, Distt.
Balodabazar-Bhatapara (C.G.)
5. Collector, Balodabazar, Distt. Balodabazar-Bhatapara (C.G.)
6. Dasru, S/o Jeevrakhan Yadav, aged about 45 years,
7. Santosh, S/o Vishnu Yadav, aged about 40 years,
8. Smt. Chandrika Bai, S/o Janau Yadav, aged about 50 years,
9. Vishnu Yadav, S/o Ratiram Yadav,
10. Bhuri Bai, S/o Balaram Yadav, aged about 52 years,
11. Shrawan Kumar, S/o Vishnu Yadav, aged about 24 years,
12. Tikaram, S/o Ratiram Rawat, aged about 52 years,

Res. No.6 to 12 are R/o Lalpur, Post Karhi Bazar, Lalpur, Distt.
Balodabazar-Bhatapara (C.G.)

13. Ramkishan Yadu, S/o Ratiram Yadu, R/o Lalpur, Post Karhi Bazar,
Lalpur, Distt. Balodabazar-Bhatapara (C.G.)
14. Purushottam Yadu, S/o Kishun Yadu, R/o Lalpur, Post Karhi Bazar,
Lalpur, Distt. Balodabazar-Bhatapara (C.G.)
15. Koduram, S/o Girdhari Yadav, R/o Masturi, Rahtator, Manik Chowk,
Bilaspur (C.G.)
16. Asha Thakur, W/o Sabhajeet Thakur, R/o Village Dhoumabhan,
Bharpaya Guhagot, Tahsil Bhatapara, Distt. Balodabazar-Bhatapara
(C.G.)

---- Respondents

For Petitioner: Mr. Vivek Tripathi, Advocate.
For Respondents No.1 to 3 / State: -
Mr. Ravi Kumar Bhagat, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

26/09/2019

1. The petitioner herein calls in question the compromise decree granted by the National Lok Adalat / 1st Additional District Judge, Bhatapara in Civil Suit No.H-04A/ 2014 on 9-9-2017.
2. Learned counsel for the petitioner would submit that the impugned decree is against the interest of the present petitioner and he has not been heard before granting the compromise at the instance of the plaintiffs in the civil suit who are the respondents herein.
3. Learned State counsel would submit that decree has rightly been granted, as the petitioner's application under Order 1 Rule 10 of the CPC was already rejected on 2-4-2014, that has attained finality and for the first time by filing writ petition on 24-7-2018, the compromise decree dated 9-9-2017 was sought to be challenged.
4. I have heard learned counsel for the parties and considered their rival submissions and went through the record with utmost circumspection.
5. 34 plaintiffs filed Civil Suit No.63-A/2014 for declaration of title and injunction with respect to the suit land bearing Khasra No.871/1, area 0.809 hectare, situated at Lalpur, District Baloda Bazaar-Bhatapara. That civil suit was dismissed as withdrawn on 2-9-2015 reserving liberty to file afresh, in case future dispute arises. In the meanwhile, plaintiffs No.20, 26, 23 and 28 namely, Dashru, Santosh, Smt. Chandrika and Bhuri Bai, respectively, of the earlier civil suit (Civil Suit No.63-A/2014) as also two other persons namely Vishnu, S/o Rati

Ram Yadav and Shrawan Kumar, S/o Vishnu Yadav, filed a civil suit for declaration of title against the land bearing Khasra No.871/1 stating that it was granted to them by the State under 'patta land' which was registered as Civil Suit No.H-04A/2014 in which the petitioner herein namely, Ravi Kumar Yadav along with other villagers preferred an application under Order 1 Rule 10 of the CPC for impleading them as necessary party. The said application was rejected by order dated 2-4-2014 finding that the petitioner herein and other persons are not necessary party. Meanwhile, the said civil suit has been compromised in the National Lok Adalat held on 9-9-2017 which is sought to be challenged in this writ petition.

6. The fact remains that the petitioner's application under Order 1 Rule 10 of the CPC for impleading as necessary party in the subsequent suit has already been rejected, therefore while entering into compromise by the National Lok Adalat, he was not required to be noticed and heard by the Lok Adalat. In the circumstances, the petitioner herein cannot make a grievance that the compromise decree is contrary to law or his interest has not been taken care of while passing the compromise decree on 9-9-2017. As such, I do not find any merit in this writ petition. Since this Court in the petition only looked into the procedural aspect of the matter, liberty is reserved in favour of the petitioner to assail the decree dated 9-9-2017, in accordance with law.
7. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge