

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Art.227) No.692 of 2019

Gangadhar Yadav S/o Bairagi, aged about 59 years, Caste – Raut,
Occuaction – Agriculture, R/o Village Bamdadih, P.H.No.42, Revenue
Circle – Sankra, Tahsil Pithoura, Distt.Mahasamund (CG)

(Plaintiff)

---- Petitioner

Versus

1. Ishwar Patel, aged about 45 years, S/o Motiram Patel, Caste Aghariya
(Ex.Sarpanch, Gram Panchayat Bamdadih), Occupation – Agriculture,
Village Bamdadih, P.H.No.42, Revenue Circle – Sankra, Tahsil
Pithoura, Distt. Mahasamund (CG)
2. State of Chhattisgarh, Through : The Collector, Mahasamund, Distt.
Mahasamund (CG)
3. Tahsildar, Pithoura, Circle – Sankra R.I. Distt. Mahasamund (CG)
4. Shyam Kumar Netam, Hulka Patwari, P.H. No.42, Village Bamdadih,
Head Quarter Jagdishpur R.I., Sankra, Tahsil – Sankra, Tahsil Pithoura,
Distt. Mahasamund (CG)
5. Lakhan Chouhan Fotwar S/o Motiram @ Nanki, Caste Gada, Village
Remda, P.H.No.43, Revenue Circle – Sankra, Tahsil – Pithoura, Distt.
Mahasamund (CG)

---- Respondents

For Petitioner	:	Mr.Kishore Narayan, Advocate
For Respondents No. 2 & 3	:	Mr.Ravi Bhagat, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

11/09/2019

1. By the impugned order, the petitioner/plaintiff's application under Order
1 Rule 10 of the CPC has been rejected by the trial Court holding that
application under Order 1 Rule 10 of the CPC is without jurisdiction and
without authority of law.
2. Learned counsel for the petitioner/plaintiff, would submit that the
impugned order is unsustainable and bad in law, which deserves to be
set aside.

3. I have heard learned counsel for the petitioner and perused the impugned order and other documents appended thereto.
4. The suit land is Government land on which the plaintiff has claimed declaration of title and permanent injunction, in which he filed an application under Order 1 Rule 10 of the CPC for impleadment of present Sarpanch and School Samiti, who is undertaking the construction of school building, which was rejected by the trial Court holding that the suit land is Government land and no relief has been sought against the proposed defendants, and they are neither necessary nor proper party in the suit.
5. The trial Court has recorded finding that no relief has been sought against the proposed defendants and they are neither necessary and nor proper party to the suit, in which I do not find any illegality or perversity warranting interference under Article 227 of the Constitution of India.
6. Accordingly, the writ petition being devoid of merit is liable to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-