

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

114

CWP-11612-2021 (O&M)

Date of decision: 02.07.2021

PREM NATH GUPTA AND ANOTHER

...Petitioners

Versus

THE STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. Ajay Jain, Advocate for the petitioner.

Mr. Samarth Sagar, Addl. AG, Haryana.

ANIL KSHETARPAL, J. (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioners assail the correctness of orders passed by the District Municipal Commissioner-cum-Appellate Authority, Mahendergarh at Narnaul on 07.12.2020 and 12.01.2021. The District Municipal Commissioner while allowing the application has ordered the impleadment of respondent No.7 as a party respondent in the pending appeal after noticing that on his complaint, the office of Deputy Commissioner had directed SDO, Civil, Narnaul, to inquire into the matter and take an appropriate action. It is undisputed that respondent No.7 has been making complaint to the various authorities against the alleged illegal impermissible construction of a commercial building by the petitioners without getting permission to change

the land use. After receipt of the report of the SDO(C), on 17.01.2020, the premises were sealed. The petitioners have filed an appeal before the District Municipal Commissioner, Mahendergarh, under Section 208-A (3) of the Haryana Municipal Act, 1973. Respondent No.7 filed an application for being impleaded as a party respondent. The Court, after noticing that the presence of respondent No.7 would enable the Court to get the correct facts and decide, allowed the application.

Learned counsel representing the petitioners submits that respondent No.7 is a black mailer as held in ESA No.38 of 2019 decided on 08.07.2019. He further submits that respondent No.7 is neither a necessary party nor a proper party. He also does not have any interest in the property. The petitioner has no locus standi as no action was taken by the Municipal Committee on the complaint of respondent No.7.

This Bench has considered the submissions, however, find no merit therein. It is not in dispute that way-back in the year 2015, respondent No.7 made complaints that the petitioners have constructed commercial building without getting permission to change the land use. No doubt, initially, no action was taken, however, subsequently, the authorities after inquiring into the matter found some truth in the complaint. It is also not in dispute that on 17.01.2020, the premises have been sealed by a competent authority against which an appeal filed by the petitioners is pending. In such

circumstances, respondent No.7 is an appropriate party. Still further, in litigations of such nature, it is not necessary that person must have personal/individual interest in the property before filing an application for impleadment. Still further, once it is established before the District Municipal Commissioner, Mahendergarh, that the presence of Ramesh Kumar-respondent No.7 would help the authority to know the correct facts resulting in the expeditious disposal of the appeal then it will not be appropriate for the Writ Court to interfere. Hence, no ground to interfere in the impugned orders is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

02.07.2021
ashok

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No