

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 573 of 2021

Date of Decision: 23.11.2022

Om Parkash

... Petitioner(s)

Versus

Lala Ram and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Babbar Bhan, Advocate
for the petitioner(s).

Mr. Jaspal Singh Pannu, Assistant Advocate General,
Haryana, for the respondent No.2.

Anil Kshetarpal, J.

1. In the proceedings under Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as “the 1961 Act”), the suit land was declared to have vested with the Gram Panchayat. At that time, the Gram Panchayat was managed by the elected office bearers. With respect to the same land, a suit for grant of decree for permanent injunction was filed by Sh.Lala Ram (respondent No.1 herein).

2. The petitioner filed an application under Order I Rule 10 of the Code of Civil Procedure, 1908 (hereinafter referred to as “the 1908 Act”) for impleading him as a defendant, claiming that the suit has been filed by the plaintiff in collusion with the Gram Panchayat. The trial Court has dismissed the same on the ground that the Gram Panchayat is competent enough to protect its own interest. Challenging the correctness of the

foresaid order, this revision petition has been filed.

3. In the meantime, the term of the elected office bearers of Gram Panchayat has come to an end. The affairs of the Gram Panchayat are now being managed by the Block Development and Panchayat Officer, Hasanpur. The petitioner has stated that he wishes to produce the order passed by the Collector on 05.06.1984 to prove that the property vests with the Gram Panchayat.

4. On the other hand, the learned State counsel submits that now the affairs of the Gram Panchayat are being managed by the Block Development and Panchayat Officer, Hasanpur. Hence, the Block Development and Panchayat Officer will protect the interest of the Gram Panchayat. The elections for electing the new office bearers of the Gram Panchayat have already been notified. The petitioner only wishes to help the Court in properly adjudicating the case.

5. Keeping in view the aforesaid facts, though the petitioner is not a necessary party, however, he is a proper party. Hence, the application is disposed of while permitting the petitioner to help the Court in adjudicating the matter fairly. He shall be permitted to produce material in order to support the case of the Gram Panchayat. However, he shall not be entitled to file any independent written statement.

6. With the observations made above, the present revision petition is disposed of.

(Anil Kshetarpal)
Judge

November 23, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No