

2024:PHHC:057599

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

(1) **CR No.7208 of 2023 (O&M)**
Date of Decision: 29.04.2024

Ravinder @ Ravinder Kumar Chahal ...Revisionist-Petitioner

Versus

Commissioner Hisar, Division Hisar and others ...Respondents

(2) **CR No.7209 of 2023**

Vishal @ Vishal Sangwan ...Revisionist-Petitioner

Versus

Commissioner Hisar, Division Hisar and others ...Respondents

(3) **CR No.7229 of 2023**

Raghubir Singh @ Raghuvir Chahal ...Revisionist-Petitioner

Versus

Commissioner Hisar, Division Hisar and others ...Respondents

(4) **CR No.7230 of 2023**

Manish Kumar ...Revisionist-Petitioner

Versus

Commissioner Hisar, Division Hisar and others ...Respondents

(5) **CR No.7473 of 2023**

Savitri Devi ...Revisionist-Petitioner

Versus

Commissioner Hisar, Division Hisar and others ...Respondents

(6)

Gian Singh

CR No.7272 of 2023

...Revisionist-Petitioner

Versus

Commissioner Hisar, Division Hisar and others

...Respondents

(7)

Jiwan Kumar Gupta

CR No.7274 of 2023

...Revisionist-Petitioner

Versus

Commissioner Hisar, Division Hisar and others

...Respondents

(8)

Narinder Singh

CR No.7278 of 2023

...Revisionist-Petitioner

Versus

Commissioner Hisar, Division Hisar and others

...Respondents

(9)

Pardeep Kumar

CR No.7287 of 2023

...Revisionist-Petitioner

Versus

Commissioner Hisar, Division Hisar and others

...Respondents

(10)

Munni Devi

CR No.7292 of 2023

...Revisionist-Petitioner

Versus

Commissioner Hisar, Division Hisar and others

...Respondents

- (11)

CR No.7295 of 2023

Ranjeet Singh

...Revisionist-Petitioner

Versus

Commissioner Hisar, Division Hisar and others

...Respondents
- (12)

CR No.7312 of 2023

Laxmi

...Revisionist-Petitioner

Versus

Commissioner Hisar, Division Hisar and others

...Respondents
- (13)

CR No.7318 of 2023

Chanderkala and another

...Revisionists-Petitioners

Versus

Commissioner Hisar, Division Hisar and others

...Respondents
- (14)

CR No.7321 of 2023

Chetan

...Revisionist-Petitioner

Versus

Commissioner Hisar, Division Hisar and others

...Respondents
- (15)

CR No.7322 of 2023

Anita

...Revisionist-Petitioner

Versus

Commissioner Hisar, Division Hisar and others

...Respondents

- (16)

CR No.7332 of 2023

Rajesh Verma

...Revisionist-Petitioner

Versus

Commissioner Hisar, Division Hisar and others

...Respondents
- (17)

CR No.7335 of 2023

Kuldeep Singh

...Revisionist-Petitioner

Versus

Commissioner Hisar, Division Hisar and others

...Respondents
- (18)

CR No.7352 of 2023

Pankaj Jindal

...Revisionist-Petitioner

Versus

Commissioner Hisar, Division Hisar and others

...Respondents
- (19)

CR No.7354 of 2023

Sanjay Kumar

...Revisionist-Petitioner

Versus

Commissioner Hisar, Division Hisar and others

...Respondents
- (20)

CR No.7356 of 2023

Rajesh Kumar

...Revisionist-Petitioner

Versus

Commissioner Hisar, Division Hisar and others

...Respondents

- (21)

Mahadevi Goyal

...Revisionist-Petitioner

CR No.7357 of 2023
- Versus
- Commissioner Hisar, Division Hisar and others

...Respondents
- (22)

Saroj

...Revisionist-Petitioner

CR No.7361 of 2023
- Versus
- Commissioner Hisar, Division Hisar and others

...Respondents
- (23)

Pardeep Singh

...Revisionist-Petitioner

CR No.7362 of 2023
- Versus
- Commissioner Hisar, Division Hisar and others

...Respondents
- (24)

Jitender Singh

...Revisionist-Petitioner

CR No.7519 of 2023
- Versus
- Commissioner Hisar, Division Hisar and others

...Respondents
- (25)

Jogi Ram (since deceased) through his LR

...Revisionist-Petitioner

CR No.7535 of 2023
- Versus
- Commissioner Hisar, Division Hisar and others

...Respondents

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Argued by:- Mr. S.S. Dinarpur, Advocate and
Mr. Aman Godara, Advocate and
Mr. Arvind Singh, Advocate
for the revisionist(s)-petitioner(s).

MEENAKSHI I. MEHTA, J.

All the twenty-five (25) above-captioned revision-petitions are being taken up together for discussion and adjudication as similar questions of law and facts are involved therein.

2. Bereft of the unnecessary details, the common facts, as culled out from the perusal of all the files and culminating in the filing of the present revision-petitions, are that the employees of the Animal Husbandry Department at Hisar, formed a Society named and styled as The Hisar Animal Husbandry Co-operative House Building Society Limited (for short 'the Society'), for the construction of their houses and then, the State Government allotted the land measuring 32 Acres 05 Kanals 03 Marlas to it (Society) for the afore-said purpose. The Society carved out the residential plots in this land and named the locality/Colony as Sunder Nagar and submitted its map/lay-out for seeking the necessary approval from the Municipal Committee, Hisar, wherein a strip of the land on the Northern boundary of the Colony, adjoining the National Highway No.10, was shown to have been reserved for developing it as the green belt area, for being used as the Park and Temple by the residents of the Colony. However, some employees/officers of the Co-operative Societies Department allegedly converted the land, so reserved, into the plots and allotted the same to several persons, including the petitioners/their vendors. Then, the Municipal Corporation, Hisar, i.e respondent No.2, issued the notices to the petitioners

under Sections 250 and 261 of the Haryana Municipal Corporation Act, 1994, requiring them to remove the illegal construction as raised by them in the plots, comprised in the green belt area, without seeking/obtaining its approval and the petitioners filed Replies to the said notices but respondent No.2 again issued notices to them (petitioners) and they challenged the same before this Court by filing CWP No.15110 of 2021 and CWP No.15111 of 2021 and these Writ Petitions were decided on 31.08.2021 and 19.08.2021 vide orders Annexures P-20 and P-21, respectively and in compliance of the above-referred orders, respondent No.3 passed the orders on 26.04.2022, regarding the demolition of the construction raised on the afore-mentioned plots in the green belt area and feeling aggrieved therefrom, the petitioners filed the Appeals before respondent No.1. During the pendency of these Appeals, respondents No.6 & 7-applicants (here-in-after to be referred as ‘the applicants’) moved the applications under Order 1 Rule 10 read with Section 151 CPC with the prayer to implead them as the party therein, while averring that they were the members of the said Society and had, thus, direct interest in the land, as left for being developed as the green belt area but this land had, illegally, been converted into the plots and these plots had been allotted to several persons, including the petitioners, who had, unauthorisedly, raised the construction in the same and had been carrying on the commercial activities therein which had been causing a lot of air, water and noise pollution. The above-said applications have been allowed by respondent No.1 (the Appellate Authority) vide the impugned orders, annexed as P-27 in all the revision-petitions.

3. I have heard learned counsel for the petitioners in the instant revision-petitions, at the preliminary stage and have also gone through the files carefully.

4. Learned counsel for the petitioners have contended that the applicants were not a party to the initial litigation and hence, they could not be impleaded as the respondents in the afore-said Appeals and moreover, they have no right, title or interest in the plots in dispute and therefore, they cannot be considered to be the necessary party to the above-referred Appeals, for the proper adjudication thereof and to add to it, an application, as moved by the applicants for being impleaded as party in the Civil Suit filed earlier in respect of one of the plots in the said locality/Colony, had been dismissed by learned Civil Judge (Junior Division), Hisar on 08.01.2020 vide the order Annexure P-28 (in all the revision-petitions) and in these circumstances, it becomes explicit that the impugned orders are not legally sustainable and deserve to be set-aside. To buttress their contentions, they have placed reliance upon the verdicts rendered by the Apex Court in **Ramesh Chandra Pattnaik versus Pushpendra Kumari & others, 2008(10) SCC 708** and **Amit Kumar Shaw & Anr versus Farida Khatoon & Anr, 2005(2) R.C.R. (Civil) 651** and this Court in **Ramesh Kumar versus Naresh Kumar, 2001(4) R.C.R. (Civil) 693; Ram Singh Sharma versus Smt. Parmod Kumari and anr, 1992(2) R.R.R. 163; Ram Pal versus Akki Devi alias Savitari Devi and others, 2006(3) R.C.R. (Civil) 264** and the Allahabad High Court in **Deepa Sharma and ors versus Raj Kumari Devi and ors, 2006(2) R.C.R (Civil) 796.**

5. As regards the contention to the effect that the applicants could not be joined as the party at the appellate stage, the same is not tenable at all because they (applicants) are the members of the afore-said Society and it being so, they have every right to enjoy the green belt area, as earmarked for its common use, benefit and well-being of the members of the Society and the conversion of the said area as the plots and raising of the construction thereon,

would certainly adversely affect their (applicants') above-discussed right and they would be aggrieved by the same. It is also worth-while to mention here that in the *Civil Appeal* titled as *Bayer (India) Ltd and Others versus State of Maharashtra and Others, 1991(1) SCC 647*, the writ-petitioners before the High Court had challenged the communication received from the Bombay Municipal Corporation regarding the rejection of the application, preferred by them for seeking permission to develop the landed property situated near the chemical factories in the same village, in view of the representations moved by the owners of the said factories to the Government and the High Court had allowed the afore-said writ petition and then, the factory owners, who were not joined in the writ petition as the respondents, had filed the Special Leave Petition (SLP) on the ground that the judgment of the High Court adversely affected them and they were aggrieved from the same and this SLP had been allowed and while adjudicating the above-cited Civil Appeal, a Three Judges' Bench of Hon'ble Supreme Court categorically observed that "*the appellants could be said to be the parties aggrieved by the impugned judgment, even if they were not regarded as necessary parties and it was proper that the entire controversy to which the impugned judgment related, should be determined in the light of the submissions which might be made by the appellants*". These observations are fully applicable to the present cases and in view of the same, the verdicts, as rendered by this Court in *Ram Pal (supra)* and the Division Bench of the Allahabad High Court in *Deepa Sharma and others (supra)* are of no avail to the petitioners.

6. So far as the plea regarding the applicants having no right or interest in the plots in dispute and hence, they, not being necessary party to the above-said Appeals, is concerned, the same does not cut any ice with this

Court because they (applicants), being the members of the Society, have to be considered to be aggrieved from the change of nature and user of the land, as reserved for being developed as the green belt area for its common use by the residents of the Colony, by way of carving out the plots in it and raising the construction in the same, as discussed earlier. The judgments passed by this Court in *Ramesh Kumar (supra)* and *Ram Singh Sharma (supra)*, are also of no help to the petitioners, in view of the afore-quoted observations, as made by the Apex Court in *Bayer (India) Ltd and others (supra)*.

7. Similarly, the judgments handed down by Hon'ble the Supreme Court in *Ramesh Chandra Pattnaik (supra)* and *Amit Kumar Shaw & Anr. (supra)* do not further the cause of the petitioners as the facts and circumstances of both the above-referred cases are distinguishable from those of the present ones because in *Ramesh Chandra Pattnaik (supra)*, the subsequent purchaser was sought to be impleaded as party in a Suit for specific performance of the agreements to sell and in *Amit Kumar Shaw & Anr. (supra)*, the transferees, *pendent-lite*, were sought to be substituted as the party in the second Appeal, but in the instant cases, the applicants, being the members of the Society, have the right to enjoy the user of the green belt area, from the very beginning.

8. Lastly, the contention qua the dismissal of the application, filed by the applicants earlier, vide the order Annexure P-28, is devoid of any force because the concerned trial Court had dismissed the said application, while observing that they (applicants) had moved the same as the members of the afore-mentioned Society but they had not tendered any documentary proof, along-with their application, to establish their membership in the above-said Society but in the impugned orders, the Appellate Authority has specifically observed that from the documents, as produced by both the parties on the

record, it was found that the applicants were the residents of Sunder Nagar, Hisar and were the members of the said Society and they were associated with its (Society's) activities as such and therefore, it would be in the interest of justice to hear them for the equitable decision in the Appeals and in view of the afore-discussed observations, it becomes crystal clear that order Annexure P-28 cannot be construed to be an impediment in impleading the applicants as the party in the above-referred Appeals.

9. As a sequel to the fore-going discussion, it follows that the impugned orders (Annexure P-27), as handed down in all the present revision-petitions, do not suffer from any illegality, irregularity, infirmity or perversity so as to call for any interference by this Court. Resultantly, the revision-petitions in hand, being *sans* any merit, stand dismissed.

29th April, 2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: Yes