IN THE HIGH COURT OF JHARKHAND, RANCHI
W.P. (C.) No. 2328 of 2014

Shabana Khatoon, wife of Md. Shamim Badru, resident of Tamtam Toil, Kantatoli Chowk, Old Hazaribagh Road, PO – Kantatoli, PS – Lower Bazar, District – Ranchi

.... Petitioner

-- Versus --

1. The Ranchi Municipal Corporation, through its Chief Executive Officer, having its office at Kutchery Road, PO – Ranchi, PS – Kotwali, District – Ranchi
2. The Deputy Chief Executive Officer, Ranchi, Municipal Corporation, having its office at Kutchary Road, PO – Ranchi, PS – Kotwali, District – Ranchi
3. The Deputy Commissioner, Ranchi, PO, PS and District – Ranchi
4. Md. Sabir, son of Md. Sayeed, residing at Public Urdu Middle School, Kantatoli Chowk, PO – Kantatoli, PS – Lower Bazar, District - Ranchi

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :- Mr. Amit Kumar Das, Sr. Advocate
:- Mr. Shivam Utkarsh Sahay, Advocate
For Respondent Nos.1 & 2 :- Mr. Ray Rajat Nath, Advocate

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*08/**21.09.2026*** Md. Kaisar Alam, learned counsel has already filed vakalatnama on behalf of respondent No.4, however, he is not present in the Court. Identical was the situation on 26.02.2020 and on that day also Md. Kaisar Alam, learned counsel was not present on behalf of respondent No.4 and with a view to provide one more opportunity to the respondent No.4 on that day the matter was adjourned further for two weeks and further adjourned on

12.01.2024 at the instance of the petitioner.

2. On repeated calls, nobody has responded on behalf of the respondent – State, who is respondent No.3.

3. This matter is of the year 2014 and in view of that this matter is being decided in absence of respondent Nos.3 and 4 on merit.

4. Heard Mr. A.K. Das, learned senior counsel assisted by Mr. Shivam Utkarsh Sahay, learned counsel appearing for the petitioner and Mr. Ray Rajat Nath, learned counsel appearing for the respondent Nos.1 and 2.

5. This petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 24.02.2014 passed by learned Subordinate Judge-I, Ranchi in Title Suit No.173 of 2011 whereby intervention petition filed by Md. Sabir, President, Public Urdu Middle School, Kantatoli Chowk, Ranchi has been allowed by the learned Court in the said title suit.

6. Mr. A.K. Das, learned senior counsel appearing for the petitioner/plaintiff submits that the petitioner is owner of landed property situated at M.S. Plot No.375, Holding No.218, Ward No.VI (Old) corresponding to Ward No.23/13, Khasmahal Plot No.2048 situated at Tamtamtoli Road, Kantatoli Chowk, P.O. – Lower Bazar, District – Ranchi measuring 3 kathas 9 chataks described in the schedule of the plaint was purchased from the rightful owner namely Swapan Kumar Saha, son of Kanai Lal Saha by a registered

deed of sale dated 16th day February, 1995. He further submits that thereafter the petitioner/plaintiff came in peaceful possession as the sole owner which was further mutated in the name of the petitioner by the Circle Officer, Ranchi and also in the office of Ranchi Municipal Corporation, Ranchi and the petitioner is regularly paying rent. He then submits that once the said property was belonging to Shri Satya Ranjan Bhattachariya entered and as such his name was entered in the office of Ranchi Municipality now Ranchi Municipal Corporation and the aforesaid Satya Ranjan Bhattachariya constructed boundary walls, rooms in the aforesaid property and he was residing there with his family members. He next submits that the name of Shri Manindra Nath Chakraverty was duly mutated in the office of Ranchi Municipality and he was paying taxes and obtaining rent receipts for the same since the year 1968. He also submits that said Manindra Nath Chakraverty has sold the said land to Swapan Kumar Saha by registered deed dated 26.09.1980 and thereafter the said Swapan Kumar Saha came in peaceful possession and he has sold the land to the petitioner/plaintiff. He next submits that in the aforesaid background, Title Suit No.173 of 2011 was instituted for declaration of right title and interest over the suit property and also for grant of permanent injunction by permanently restraining the respondent for interfering with the peaceful possession of the petitioner in the said property. He next submits that in the said suit respondent No.5 filed the intervention

petition which has been allowed by the learned Court on wrong premises and in view of that the said order may kindly be set aside. He next submits that the said respondent No.4 has got no right, title and interest to be arrayed as defendant in the said suit, however, the learned Court has wrongly allowed the petition. On these grounds, he submits that impugned order may kindly be set aside.

7. Mr. Nath, learned counsel appearing for the respondent Nos.1 and 2 submits that respondent No.4 is necessary party and that aspect has been considered by the learned Court while passing the impugned order. He further submits that once the right, title and interest is claimed in the suit property and the third person having certain documents regarding the said property and filed the petition for intervenor, the learned Court has prima facie found his right and has allowed the intervention petition. He then submits that the learned Court has done so correctly to avoid the multiplicity of the litigation as respondent No.4 has produced certain documents to suggest that he was also interested in the said suit.

8. On perusal of the impugned order, it transpires that the learned Court has considered the documents filed by the intervenor that is letter No.1345 dated 07.05.2010 issued by the office of Ranchi Nagar Nigam, Ranchi in which it has been mentioned that M.S. Plot No.375 Ward No.VI (old) is the property of Nigam, hence the Holding No.218 Ward No.23 over the plot is herby cancelled. On 05.05.2010, the Municipal Corporation Ranchi has also issued a

letter to Anchal Office Town Anchal, Ranchi mentioned therein that Plot No.375 'Parti Kadam' total area 0.484 is property of Nigam. The mutation has been done in favour of Smt. Sabana Khatoon w/o Md. Shamim (Badru) R/o Azad Basti Road, Pathalkudwa, PS – Lower Bazar, Ranchi area 3.9 chhatak and requested Anchal Adhikari Town Anchal Ranchi to cancel the mutation of Smt. Sabana Khatoon.

9. Learned Court has further considered the letter No.795 dated 10.03.2010 issued by the office of Municipal Corporation, Ranchi to Md. Badru, Tamtam Toli, Kanta Toli Chowk, Ranchi mentioned therein that to stop the construction work on M.S. Plot No.375 Ward No.13, Tamtam Toli, Kanta Toli, and order sheet of Ranchi Nagar Nigam dated 17.05.10 has also been filed by the intervener in which a hearing was conducted in light of W.P.C. No.1758/10 (Sabana Khatoon vs. State and Another) dated 05.05.10 in which it has been mentioned that M.S. Plot No.375 is the khatiyani land of municipality and over this plot an Urdu School is situated which is in the possession of Municipality and intervention petition has been filed by the President of the said school. In these backgrounds, the learned Court has been pleased to allow the intervention petition.

10. In view of the above, it transpires that the dispute relating to the said plot is there. On the one hand the petitioner is claiming that he has has already constructed the house on the said plot purchased by Satya Ranjan Bhattacharjee. On the other hand, the

documents prima facie suggests that the intervener is also saying that the school is being run in the said plot, however, in the course of argument Mr. Das, learned senior counsel appearing for the petitioner/plaintiff submits that school is not running in the said part of the plot and that is running in the other part of the same plot which can be decided in the title suit on the basis of evidence led by the parties. In this background, if that dispute is there the intervention application has been rightly allowed by the learned Court which can be decided in the title suit whether on the part of the land of the petitioner school is being run by respondent No.4 or not. The principles of allowing the intervention petition has been held by Hon'ble Supreme Court at length in the case of ***Vidur Impex and Traders (P) Ltd. vs. Tosh Apartments (P) Ltd. reported in (2012) 8 SCC 384*** wherein at paragraph No.41, 41.1, 41.2, 41.3, 41.4, 41.5 and 41.6 it has been held as under :-

> ***"41.*** *Though there is apparent conflict in the observations made in some of the aforementioned judgments, the broad principles which should govern disposal of an application for impleadment are:*
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> > ***41.1.*** *The court can, at any stage of the proceedings, either on an application made by the parties or otherwise, direct impleadment of any person as party, who ought to have been joined as plaintiff or defendant or whose presence before the court is necessary for effective and complete adjudication of the issues involved in the suit.*
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> > ***41.2.*** *A necessary party is the person who ought to be joined as party to the suit and in whose absence an effective decree cannot be passed by the court.*
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> > ***41.3.*** *A proper party is a person whose presence would enable the court to completely, effectively and properly adjudicate upon all matters and issues, though he may not be a person in favour of or against whom a decree is to be made.*
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> > ***41.4.*** *If a person is not found to be a proper or necessary party, the court does not have the jurisdiction to order his impleadment*

against the wishes of the plaintiff.

41.5. *In a suit for specific performance, the court can order impleadment of a purchaser whose conduct is above board, and who files b application for being joined as party within reasonable time of his acquiring knowledge about the pending litigation.*

41.6. *However, if the applicant is guilty of contumacious conduct or is beneficiary of a clandestine transaction or a transaction made by the owner of the suit property in violation of the restraint order passed by the court or the application is unduly delayed then the court will be fully justified in declining the prayer for impleadment."*

11. In the case in hand, in light of aforesaid background it transpires that the documents have been produced by the respondent No.4 of the same plot and confusion is there with regard to portion of the plot, as such to clear the said the intervenor was the necessary party and in view of that the learned Court has rightly allowed the intervention petition and the merit can be decided by the learned Court in the pending title suit on the basis of evidence laid by appearing parties in the title suit.

12. There is no illegality in the impugned order, as such this writ petition is hereby dismissed.

13. Interim order, granted earlier, is hereby vacated.

14. The parties are put at liberty to appear before the learned Court where the said title suit is pending and the learned Court will further proceed in accordance with law.

(Sanjay Kumar Dwivedi, J.)

Dated 21.09.2026
Sangam/
A.F.R.