CGHC010406552026

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1331 of 2026

1 - Rajkumar Agrawal S/o Late Mangalal Agrawal, Aged About 47 Years R/o Ward No. 8, Sakti, Tahsil Sakti, District Sakti C.G.

... Petitioner(s)

Versus

1 - Kailash Nath Tiwari S/o Late Chandra Bhushan, Aged About 63 Years R/o Parijat Castle, Ring Road No. 2, Bilaspur, District Bilaspur C.G.

2 - State of Chhattisgarh Through Collector Janjgir - Champa, (Officiating As A Appropriate Government In Land Acquisition Matter), District Janjgir - Champa C.G.

3 - Land Acquisition Officer Cum Sub Divisional Officer, Champa (Perform The Duties As A Collector I. E. Competent Authority Appointed By The National Highway Authority), District Janjgir - Champa C.G.

4 - Land Acquisition Officer Cum Sub Divisional Officer, Land Acquisition Incharge, Land Acquisition Branch, Collectorate Janjgir, District Janjgir - Champa C.G.

5 - Project Director, Project Implementation Unit, Bilaspur, National Highway Authority, D/ 61, H. I. G. 1, Abhilasha Parisar, Behind New Bus Stand, Tifra, Bilaspur, C.G.

6 - Dharmendra Singh Sidar, S/o Late Dhaneshwar Singh Sidar, Caste Gond, R/o Tohildih, Tahsil Sakti, District Sakti C.G.

7 - Rameshwar Singh Sidar, S/o Dev Singh Sidar, Aged About 27 Years R/o Salouni, Tahsil Sakti, District Sakti C.G.

8 - Dhirendra Singh S/o Late Dhaneshwar Singh, R/o Tohildih, Tahsil Sakti, District Sakti C.G.

... Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Shri Alok Nigam, Advocate.
For Respondent/State	:	Shri R.R. Pithwa, Dy. Govt. Advocate.
For Respondent No.5	:	Ms. Shreya Pawan Daga on behalf of Shri Dhiraj K Wankhede, Advocate.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J

Order on Board

14.10.2026

1. The present writ petition under Article 227 of the Constitution of India has been filed by the petitioner against the impugned order dated 27.08.2026 passed by the Principal District Judge, Janjgir Champa in Misc. Civil Case No.30/2026 whereby the application filed by the respondent No.1 under Order 1 Rule 10 CPC for impleading the present petitioner as party non applicant in the proceeding has been allowed.

2. Learned counsel for the petitioner would submit that the respondent No.1 had submitted an application that his land was acquired for construction of National Highway and amount of compensation was deposited by the Land Acquisition Officer before the competent authority. A dispute arose before the Sub Divisional Officer (Revenue) with respect to disbursement of the amount, however, the respondent No.1 is prosecuting a Reference under Section 3H(4) of The National Highway's Act,1956 (in short, the Act, 1956) for enhancement of the compensation and award in favour of the person who is entitled for its compensation after recovery from non applicant No.5&6. The amount of compensation and its disbursement was challenged by the respondent No.1 in WPC No.5782 of 2024 which was disposed of by the Coordinate Bench of this Court vide order dated 24.01.2025 directing the SDO (Revenue) to refer the matter to Principal Civil Court of original jurisdiction in terms of Clause-4 of Section 3H of the Act, 1956 and then Reference proceeding initiated.

3. In the Reference proceeding, the respondent No.1 filed an application under Order 1 Rule 10 CPC for impleading the petitioner as party non

applicant. The petitioner is having no nexus with the family affairs of respondent No.1 and other respondents and false allegation have been levelled against him. Without there being sufficient reason, the application has been made by the respondent No.1 to implead him as party non applicant. The petitioner is neither necessary nor proper party in the proceeding pending between the respondent No.1 and other respondents and it is their inter-se dispute between them with respect to apportionment and entitlement of the compensation amount. Without there being any interest over the subject property, the petitioner has been directed to be made as a party non applicant. The impugned order suffers from illegality and perversity and the same is liable to be set aside and the application for impleading the petitioner as party non applicant may be dismissed.

4. I have heard the counsel for the petitioner and perused the documents annexed with the petition.

5. The issue revolves around impleadment of party non applicant in the proceeding pending before the Principal District Judge. It is the claim of the petitioner that he has no nexus with the family affairs of the respondents. He is neither connected nor have any interest over their property. It is the inter-se dispute between the respondent No.1 and other private respondents with respect to apportionment and entitlement of the amount of compensation. From perusal of Reference application under Section 3H(4) of the Act, 1956 (Annexure P/4), it transpires that the respondent No.1 have made specific averment against the petitioner and his involvement in the transaction. A detailed pleading have been made by the respondent No.1 in paragraph 6 to 8

and 10 to 12 of their Reference application. In the application filed by the respondent No.1 before the Principal District Judge under Order 1 Rule 10 CPC, he also sought impleadment of petitioner as party non applicant on the ground which has already been raised in his Reference application. The trial court has considered the averment against the present petitioner considering the averment and pleading made against him in the Reference application.

6. In ***Mumbai International Airport Private Limited Vs. Regency Convention Centra & Hotels Private Limited & Others, 2010(7)SCC 417***, the Hon'ble Supreme Court dealing with the issue of impleadment of party in a suit have considered the proper and necessary party to be incorporated. In paragraphs 13,15 &16 it was observed as under:

> "13. The general rule in regard to impleadment of parties is that the plaintiff in a suit, being dominus litis, may choose the persons against whom he wishes to litigate and cannot be compelled to sue a person against whom he does not seek any relief. Consequently, a person who is not a party has no right to be impleaded against the wishes of the plaintiff. But this general rule is subject to the provisions of Order I Rule 10(2) of Code of Civil Procedure (`Code' for short), which provides for impleadment of proper or necessary parties. The said sub-rule is extracted below:
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> > "10(2) "Court may strike out or add parties. -The Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added."
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> 15. A `necessary party' is a person who ought to have been joined as a party and in whose absence no effective decree could be passed at all by the Court. If a `necessary party' is not impleaded, the suit itself is liable to be dismissed. A `proper party' is a party who, though not a necessary party, is a person whose presence would enable the court to completely, effectively and adequately adjudicate upon all matters in disputes in the

suit, though he need not be a person in favour of or against whom the decree is to be made. If a person is not found to be a proper or necessary party, the court has no jurisdiction to implead him, against the wishes of the plaintiff. The fact that a person is likely to secure a right/interest in a suit property, after the suit is decided against the plaintiff, will not make such person a necessary party or a proper party to the suit for specific performance.

16. The learned counsel for the appellants relied upon the following observations of a two-Judge Bench of this Court in Sumtibai v. Paras Finance Co. [2007 (10) SCC 82] to contend that a person need not have any subsisting right or interest in the suit property for being impleaded as a defendant, and that even a person who is likely to acquire an interest therein in future, in appropriate cases, is entitled to be impleaded as a party:

> "9. Learned counsel for the respondent relied on a three-Judge Bench decision of this Court in Kasturi v. Iyyamperuma [2005(6) SCC 733]. He has submitted that in this case it has been held that in a suit for specific performance of a contract for sale of property a stranger or a third party to the contract cannot be added as defendant in the suit. In our opinion, the aforesaid decision is clearly distinguishable. In our opinion, the aforesaid decision can only be understood to mean that a third party cannot be impleaded in a suit for specific performance if he has no semblance of title in the property in dispute. Obviously, a busybody or interloper with no semblance of title cannot be impleaded in such a suit. That would unnecessarily protract or obstruct the proceedings in the suit. However, the aforesaid decision will have no application where a third party shows some semblance of title or interest in the property in dispute.
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> 14.....It cannot be laid down as an absolute proposition that whenever a suit for specific performance is filed by A against B, a third party C can never be impleaded in that suit. If C can show a fair semblance of title or interest he can certainly file an application for impleadment."

7. From perusal of entire material and the order impugned produced by the petitioner in the present writ petition, this court does not find any perversity or jurisdictional error in directing the respondent No.1 to implead the petitioner as party non applicant in the proceeding. The writ petition therefore fails and is hereby dismissed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

inder