
(2013) 04 RAJ CK 0056
In the Rajasthan High Court
Case No : Civil Writ Petition No. 11288 of 2012

Gram Panchayat	Vs	APPELLANT
Subasadak and Others		RESPONDENT

Date of Decision : 08-04-2013

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2013) 2 WLN 325

Hon'ble Judges : Govind Mathur, J

Bench : Single Bench

Advocate : Krishan Bansal, for the Appellant;

Final Decision : Dismissed

Judgement

Govind Mathur, J.—The defects pointed out by the Registry are waived for the purpose of admission. Heard learned counsel for the petitioner on merits.

2. By the order dt. 20.03.2012, learned Court subordinate dismissed the application preferred by the petitioner applicant Gram Panchayat for becoming party to the proceedings.

3. It is submitted by learned counsel for the petitioner that the land in question is property of Gram Panchayat and therefore, it is a party necessary to the suit, where the plaintiff is claiming title over the land.

4. I do not find any merit in the argument advanced. From perusal of the facts available on record, it is apparent that the respondent plaintiff is claiming a decree of permanent injunction and not a decree of declaration pertaining to title. It is further relevant to note that the land in question has already been given by the Gram Panchayat to the Public Health Engineering Department to establish its pump house and the Public Health Engineering Department is already a party defendant in the suit concerned. After handing over the land to the Public Health Engineering Department, it cannot be said that the Gram Panchayat is a party necessary. No error, therefore, has been committed by the

learned Court subordinate that may warrant interference of this Court while exercising powers under Article 227 of the Constitution of India. The writ petition, therefore, is dismissed.