

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

REVP No. 171 of 2021

- Ashwani Kumar Bandhe, S/o Mohan Lal Bandhe, aged about 47 years, R/o Village Baroda, Post & PS Mana Camp, Tahsil Arang, Distt. Raipur (CG)

---- Applicant**Versus**

1. Union of India, Through Secretary, Defense, New Delhi.
2. Union of India, Through Secretary, Supply and Rehabilitation Department, New Delhi.
3. Union of India, Through Secretary, Civil Aviation, New Delhi.
4. Managing Director, Airport Authority of India (AAI), Address-AAI Building, Sufdarjang Airport, New Delhi.
5. Director, Vivekanand Airport, Civil Airport, Raipur (CG)
6. State of Chhattisgarh, Through Secretary, Revenue Department, Mahanadi Bhawan, New Raipur, Raipur (CG)
7. Collector, Raipur, Distt. Raipur (CG)
8. Sub Divisional Officer/Land Acquisition Officer (Revenue), Raipur, Distt. Raipur (CG)
9. Nayab Tahsildar, Mandir Hasaud, Dist. Raipur (CG)
10. Nava Raipur Development Authority, Through Managing Director, Nava Raipur Development Authority, Raipur (CG)

---- Respondents

14/06/2024	Mr. Ravindra Sharma, learned counsel for the applicant. Mr. Tushar Dhar Diwan, learned counsel for the respondents/UOI.

Mr. Atanu Ghosh, learned Dy. G.A. for the State/respondents.

Mr. Prakash Tiwari, learned counsel for the interveners.

Heard on IA No.01/2022, application for intervention/impleadment as party respondents filed by the interveners.

Learned counsel for the interveners submits that the applicant has filed the instant petition without impleading the interveners though they are also owner of the disputed property. The applicant and the interveners are the legal heirs of Guharam Satnami, so they are also necessary party to the petition. The applicant Ashwani Kumar Bandhe filed an application before the revenue authority in the capacity of power of attorney holder of Mohanlal Bandhe wherein also the interveners/proposed respondents filed their objection vide Annexure I-3. The interveners have vested right and interest in the subject issue involved in the instant case and if they are not permitted to intervene in the matter, irreparable loss would be caused to them.

Reliance has been placed on the decision of the Hon'ble Supreme Court in the matters of ***Gopabandhu Biswal Vs. Krishna Chandra Mohanty and others, (1998) 4 SCC 447.***

Learned counsel for the applicant strongly opposes the prayer of the intervenes and submits that this application is not maintainable. The applicant filed this petition for review of the order dated 23.11.2021 passed in WPC No.4724/2021 and the interveners were not a party in

that petition. He further submits that the interveners had also filed objection before the revenue authority and the same was dismissed. Hence this application is without any merit and is liable to be dismissed.

Learned counsel for the State/respondents also opposes the prayer of the interveners and submits that the scope of review is very limited, so this application is not maintainable and is liable to be dismissed as such.

Heard learned counsel for the parties and perused the material available on record.

The interveners have filed various documents in support of their application and it is also clear from the order dated 23.11.2021 of this Court that the applicant filed the writ petition on the basis of ancestral property. As per the interveners, they are also legal heirs of the previous owner.

The Hon'ble Supreme Court in the matters of **Gopabandhu Biswal** (supra) held in paras 10 & 12 as under:

"10. In the present case, however, it is urged that the four applicants who filed the two review petitions before the Tribunal were not parties to the main petition. They were also not parties to the special leave petition filed before this Court which was dismissed. However, they are parties aggrieved and hence are entitled to apply for a review of the main judgment of the Tribunal...

12. ...One can understand a wider meaning in this

context being given to the phrase "person aggrieved", thus enlarging the right of persons to intervene either at the hearing before the Tribunal, or in appeal, or for filing a review petition..."

In the present case also, the applicant has filed this petition seeking review of the order dated 23.11.2021 passed in WPC No.4724/2021, to which the interveners were not a party. From perusal of the order under review it is clear that the matter is related to some land dispute and the interveners have also filed various revenue documents to show their right and interest in the property in dispute. Since the interveners were not a party to the main petition, it is not necessary to implead them as party respondents herein. However, in light of the aforesaid decision of the Hon'ble Supreme Court, learned counsel for the interveners is permitted to argue the matter on behalf of the interveners at the time of final hearing. The application (IA No.01/2022) is, accordingly, disposed of.

List the matter for final hearing after three weeks.

Sd/
(Rajani Dubey)
Judge