

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 99 of 1987****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 2 of 2021****In R/SPECIAL CIVIL APPLICATION NO. 99 of 1987****With****R/SPECIAL CIVIL APPLICATION NO. 6748 of 2001****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2021****In R/SPECIAL CIVIL APPLICATION NO. 6748 of 2001**

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ISHWARBHAI CHHAGNBHAI PATEL & 8 other(s)**Versus****COMPETENT AUTHORITY & 1 other(s)**

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Appearance:**MR DILIP L KANOJIYA(3691) for the Petitioner(s) No. 9****MR DIPEN DESAI(2481) for the Petitioner(s) No. 1,2,3,4,5,6,7,8****GOVERNMENT PLEADER for the Respondent(s) No. 1,2**

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CORAM: HONOURABLE MR. JUSTICE NIRZAR S. DESAI**Date : 21/02/2022****ORAL ORDER**

1. By way of this Civil Application, the present applicant has prayed for impleading the present applicant as respondent no.3 in Special Civil Application No.99 of 1987 and respondent no.4 in Special Civil Application No. 6748 of 2001.
2. Heard learned Senior Advocate Mr. Anshin Desai with learned advocate Mr. Mehta for the applicant. He states that before the partition of the land, the land was jointly held by the predecessor forefathers of the present applicant as well as the original petitioners of Special Civil Application No.99 of 1987 and Special Civil Application No.6748 of 2001. It is only because of the fact that the respective petitioners filled the form and posed themselves as if they are the owners of the entire land, the rights

of audience of the present applicant in proceeding under the Urban Lands Ceiling Act has been taken away and the order is passed, which is the subject matter of the challenge by way of the aforesaid two petitions. The petitioner is aggrieved by the original order passed by the state authorities and therefore, he is required to be impleaded as party respondent in the present petition.

3. Learned Senior Advocate Mr. R. S. Sanjanwala with learned advocate Mr. Dipen Desai, upon instructions, states that there are some serious interse disputes between the present applicant as well as the original petitioners of both these petitions. As far as the challenged to the order passed by the State Authorities which are subject matter of challenge in the year 1987 and 2001, considering the fact that even the petitioners of these two petitions are also aggrieved by those two orders and till the challenge to that order survives, he has no objection, if the applicant of both these Civil Applications are joined as respondents no. 3 and 4 respectively in both the petitions. However, learned Senior Advocate Mr. Sanjanwala insists that this Court may in no uncertain terms clarify that merely because the petitioner of both these petitions have granted consensus for being impleaded as party respondent in these two petitions as prayed for by the applicant, it will not create any right in favour of disputed land in favour of the applicant of these Civil Applications.
4. In view of the aforesaid submissions made by the learned Senior Advocate Mr. Sanjanwala, learned Senior Advocate Mr. Anshin

Desai also insists that in that case, this Court may also clarify that rights and contentions of all the parties are kept open and the applicants of these two applications are at liberty to file appropriate proceedings before the appropriate authority without being influenced by the fact that in this petition they have been impleaded for limited purpose.

5. In view of the aforesaid broad conditional consensus arrived at between the contesting respondents, the present civil applications are allowed. In Civil Application No. 2 of 2021, the applicant is permitted to be impleaded as respondent no. 3 in Special Civil Application No. 99 of 1987 and Civil Application No. 1 of 2021, the applicant is permitted to be impleaded as respondent no. 4 in Special Civil Application No. 6748 of 2001.
6. It is once again clarified that merely because the present applicants are joined as party respondents in these Civil Applications, it would not be construed as if any right is created in favour of the present applicant and for ascertaining the right of the applicant, the applicant is at liberty to file appropriate proceedings before the appropriate Court and rights and contentions of the present applicant as well as all other parties are kept open.
7. Both the Civil Applications stand disposed of.

(NIRZAR S. DESAI,J)

VARSHA DESAI