

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 19/2026

Naresh Kumar S/o Shri Rajpal, Aged About 37 Years, Resident Of
Ludi Jhabar, Tehsil Rajgarh, District Churu, Rajasthan.

----Petitioner

Versus

1. Director, Local Bodies, Government Of Rajasthan, Jaipur.
2. Nagar Palika Rajgarh, Through Executive Officer, District Churu, Rajasthan.
3. Dalbeer Singh S/o Shri Shersingh, Resident Of Ward No. 29, Mohalla Khatikan, Rajgarh, Tehsil Rajgarh, District Churu, Rajasthan.
4. Babulal S/o Bagharam, Resident Of Ward No. 28, Town Rajgarh, District Churu, Rajasthan.

----Respondents

For Petitioner(s) : Mr. Pramendra Bohra

For Respondent(s) : Mr. Dalip Rajvi

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

08/05/2026

1. By way of present civil writ petition under Article 226 of the Constitution of India, the petitioner has sought following reliefs :-

“It is therefore, prayed that this writ petition may kindly be allowed and by issuance of appropriate writ, order or direction:

- a) the order dated 19.09.2025 (Annx-01) passed by the Respondent No.1 allowing the impleadment application in Appeal No. F.53/ (3489) / NIG. / DLB / 24 be set aside; and*
- b) direct the Respondent No. 1 to reconsider and decide the impleadment application in accordance with law after affording an opportunity of hearing to the Petitioner and other Respondents; and*
- c) if any pre-judicial order is passed during the pendency of the writ petition, then same may also be set aside; and*
- d) Any other writ, order or direction which may be deemed proper in the facts and circumstances of the case may also be issued in favour of the Petitioner.”*

2. Heard learned counsel for the parties.

3. Learned counsel for the petitioner argued that the petitioner had purchased the disputed property through a duly registered sale deed after issuance of a valid patta and grant of requisite municipal permissions. It is submitted that subsequently the Nagar Palika cancelled the patta, against which the petitioner preferred an appeal before the competent appellate authority. During pendency of the said appeal, respondent No. 4 moved an application for impleadment claiming ancestral rights and possession over the disputed land on the strength of certain old pattas and previous civil litigation. It is contended that the pattas relied upon by respondent No. 4 are *void-ab-initio*, inasmuch as the municipality itself acquired rights over the land only in the year 2001, and further that respondent No.4 was never in possession of the property. Learned counsel submitted that despite the aforesaid facts, the appellate authority, without affording any opportunity of hearing to the petitioner and without assigning any reasons, passed *ex-parte* order dated 19.09.2025 allowing the impleadment application of respondent No. 4 – Babulal in the pending appeal. It is, therefore, argued that the impugned order has been passed mechanically and in gross violation of the principles of natural justice.

4. Reply to the writ petition has been filed by the respondent No. 4. While opposing the writ petition, it is submitted that the family of respondent No. 4 was holding old pattas pertaining to the disputed land issued in the years 1962, 1968 and 1972, and had remained in lawful possession thereof for several decades. It is further contended that the rights and possession of respondent

No. 4 stood affirmed in earlier civil proceedings, including judgment dated 21.12.2024. Learned counsel argues that despite an order of status quo dated 15.01.2019, the Nagar Palika illegally issued Patta No. 1471 dated 17.08.2023 in favour of Dalbeer by concealing material facts, whereafter the Municipal Board rightly cancelled the said patta. It is further submitted that since Naresh had preferred the appeal before the DLB without impleading respondent No. 4 despite his direct and substantial interest in the disputed property, the appellate authority rightly exercised its powers under Order I Rule 10 of C.P.C. in allowing the impleadment application. Learned counsel, thus, contends that the impugned order is merely procedural in nature, suffers from no illegality or jurisdictional infirmity, and that the present writ petition under Article 227 of the Constitution of India has been filed only with a view to delay the proceedings.

5. I have given my thoughtful consideration to the submissions made by learned counsel for the parties and perused the material produced on record.

6. The principal grievance raised by the petitioner is that the appellate authority, while allowing the application filed by respondent No. 4 under Order I Rule 10 of C.P.C., neither afforded an opportunity of hearing to the petitioner nor assigned any reasons in support of the impugned order dated 19.09.2025. A perusal of the impugned order reveals that the same is cryptic in nature and does not disclose the basis on which respondent No. 4 was held to be a necessary or proper party in the pending appeal.

7. It is trite law that even while passing an interlocutory or procedural order, the authority concerned is required to adhere to the principles of natural justice and record reasons, however brief, in support of its conclusion.

8. The Hon'ble Supreme Court in ***Kranti Associates Pvt. Ltd. v. Masood Ahmed Khan; SLP (Civil) No.20428 of 2007***, held that recording of reasons is an essential facet of principles of natural justice and ensures fairness, transparency and accountability in decision-making.

9. In the present case, the appellate authority appears to have allowed the impleadment application in a mechanical manner without granting an effective opportunity of hearing to the petitioner and without recording any satisfaction as to how respondent No. 4 was a necessary or proper party for adjudication of the controversy involved in the appeal. Since the impugned order affects the rights of the petitioner in the pending proceedings, compliance with the principles of natural justice was indispensable.

10. This Court is not inclined to enter into the merits of rival claims regarding title, possession or validity of pattas, as the same are matters to be considered by the appellate authority while deciding the application under Order I Rule 10 of C.P.C. and the appeal itself. However, the procedure adopted by respondent No. 1 in passing the impugned order cannot be sustained in the eyes of law.

11. Consequently, the present writ petition deserves to be and is hereby allowed. The order dated 19.09.2025 passed by

respondent No. 1 – Director and Special Secretary, Department of Local Bodies, Jaipur, is quashed and set aside. The matter is remanded back to respondent No. 1 for reconsideration of the application filed under Order I Rule 10 of C.P.C. and for passing a fresh, reasoned and speaking order in accordance with law, after affording adequate opportunity of hearing to all concerned parties, preferably within a period of eight weeks from the date of receipt of certified copy of this order.

12. Stay application as well as all pending application(s), if any, also stand disposed of accordingly.

(MUKESH RAJPUROHIT),J