

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 817/2022

Amar Singh S/o Late Shri Meherchand

----Petitioner

Versus

The State Of Rajasthan & Ors.

----Respondents

Connected With

S.B. Civil Writ Petition No. 8252/2021

Sukhdeva & Ors.

----Petitioners

Versus

The State Of Rajasthan & Ors.

----Respondents

S.B. Civil Writ Petition No. 10548/2021

Shishram S/o Keshar Ram

----Petitioner

Versus

The State Of Rajasthan & Ors.

----Respondents

S.B. Civil Writ Petition No. 439/2022

Birmanand S/o Radheshyam

----Petitioner

Versus

The State Of Rajasthan & Ors.

----Respondents

S.B. Civil Writ Petition No. 493/2022

Satpal S/o Raju Singh

----Petitioner

Versus

The State Of Rajasthan & Ors.

----Respondents

S.B. Civil Writ Petition No. 538/2022

Naresh Son Of Shri Krishan Singh

----Petitioner

Versus

State Of Rajasthan & Ors.

----Respondents

For Petitioner(s) : Mr Mohit Balwada
Mr. Jitendra Singh Shekhawat

through VC
For Respondent(s) : Mr. Anil Mehta, AAG with
Ms. Archana
Mr. Ved Pal Shastri
Mr. Sanjay Tyagi through VC

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL
Order

28/02/2022

Mr. Anil Mehta, learned Additional Advocate General appears for all the respondents in S.B. Civil Writ Petitions No.817/2022 & 8252/2021.

Service is complete.

The matter comes up on an application No.1/2021 in S.B. Civil Writ Petition No.8252/2021 filed by the applicant Anand Kumar for impleadment as a party-respondent.

Learned counsel for the applicant submits that the order impugned in the writ petition has been filed on his complaint and hence, he may be impleaded as respondent in this matter.

Learned counsel for the petitioner opposed the prayer.

The instant writ petition has been filed by the petitioners against the order dated 29.06.2021 passed by the Assistant District Collector, Jhunjhunu.

A perusal of the writ petition reveals that it is a lis in between the petitioners and the official respondents. The applicant happens to be complainant but, it is a well-established principle of law that in a lis in between the aggrieved party and the official respondents, the complainant is neither a necessary nor proper party. This Court has, in case of ***Bedami Devi Vs. State of Rajasthan & Ors., S.B. Civil Writ Petition No.10073/2012***, held as under:

"8. A bare look at the prayer clause of the writ petition indicates that the orders

sought to be impugned in the writ petition are that of the Additional Collector and the Divisional Commissioner Jaipur. No relief has been sought against the applicants nor any directions are required to be passed against the applicants. There is no reason for this court to imagine nor in fact has been alleged or argued that the State Government whose orders are effectively under challenge will not defend in this writ petition and the impugned orders therein with seriousness.

This Court, has, in case of **Ashok Kumar Vs. State of Rajasthan and Ors., S.B. Civil Writ Petition No.12230/2020**, held as under:

"In the writ petition, the petitioner has assailed the validity and legality of the order dated 24.09.2020 whereby, he, a Patwari, has been placed under suspension on filing of the charge sheet no.45/2020 against him. Indisputably, it is a lis in between the petitioner and the official respondents wherein, this Court is not satisfied that presence of the applicant is necessary for just and effective disposal of the controversy raised in the writ petition. It is trite law that a complainant is not entitled to be impleaded as a party if the lis is in between the employer and the employee to which he/she is stranger. Learned counsel for the applicant has failed to satisfy this Court that she is either necessary or proper party in the litigation."

In the backdrop of the aforesaid judgments, this Court is not satisfied that the applicant is a necessary or proper party. In view thereof, the application is dismissed accordingly.

However, since the Jan Kalyan Samiti, Mandrella has been permitted to intervene in the matter, in the interest of justice, the applicant- Anand Kumar is also permitted to intervene in the matter.. The application No.1/2021 stands disposed of accordingly.

(MAHENDAR KUMAR GOYAL),J