

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S. B. Civil Writ Petition No. 6571/2026
URN: CW / 14538U / 2026

1. Prithvi Raj Singh Son of Late Shri Natwar Singh, aged about 67 years, Resident of Green Acres, Village Machwa, Tehsil Kalwar, Kalwar Road, Jaipur
2. Dr. Adhi Raj Singh Son of Shri Prithvi Raj Singh, aged about 36 years, Resident of Green Acres, Village Machwa, Tehsil Kalwar, Kalwar Road, Jaipur

-----Petitioners/Appellant Nos. 1 & 2.
Versus

1. Jaipur Development Authority, through its Secretary, Ram Kishore Vyas Bhawan, Jawahar Lal Nehru Marg, Jaipur
2. The Deputy Commissioner, Zone 12, Jaipur Development Authority, Ram Kishore Vyas Bhawan, Jawahar Lal Nehru Marg, Jaipur
3. Messers Kedia Builders and Colonizers Private Limited, through its Director Rajendra Kedia, situate at A-6-10, Shyam Nagar, Benar Road, Jhotwara, Jaipur

-----Respondents/Non-Appellants

4. Smt. Santra Devi Wife of Late Shri Bhairon Lal Dhanka, aged about 85 years, Resident of Khasra Numbers 396, 398/1, 398/3, Village Machwa, Tehsil Kalwar, District Jaipur

-----Proforma Respondent/Appellant No. 3.

For Petitioners	:	Mr. Amrit Kumar Surollia Advocate, Mr. Aditya Surollia Advocate, Mr. Jaideep Singh Advocate, Mr. Tushar Singh and Ms. Avni Agarwal Advocate.
For Respondents	:	Mr. Amit Kuri Advocate. Mr. Punit Singhvi Advocate. Mr. Naman Dadhich Advocate. Ms. Shraddha Mehta Advocate. Mr. Ishan Verma Advocate. Mr. Ajatshatru Mina Advocate. Mr. Rajat Chaudhary Advocate.

HON'BLE MR. JUSTICE ANAND SHARMA**Judgment****10/07/2026**

1. By way of filing present writ petition, the petitioners have challenged order dated 01.04.2026 passed by the Appellate Tribunal, Jaipur Development Authority, Jaipur (hereinafter to be referred as 'the Appellate Tribunal'), whereby, on application under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure, 1908 (hereinafter to be referred as 'CPC') filed by Respondent No. 3, directions have been issued to allow Respondent No. 3 to intervene in Appeal No. 575/2025 pending before the Appellate Tribunal.

2. The petitioners have come out with a case that they are recorded khatedars of land bearing Khasra No. 399/1 situated in Village Machwa, Tehsil Kalwar, District Jaipur (hereinafter to be referred as 'the land in question'). However, on the basis of one forged and fabricated surrender deed (*Samarpannama*), Jaipur Development Authority sought to mutate the land in question in its own favour and thereby to dispossess the petitioners by carving out a right of way through the land in question which prompted the petitioners to file appeal before The Appellate Tribunal with following prayers:

"अपील मय शपथ पत्र प्रस्तुत कर निवेदन है कि—

क— प्रतिवादियों को आज्ञात्मक निषेधाज्ञा व आदेश फरमाया जाकर आदेशित किया जावे कि प्रतिवादीगण द्वारा अपीलार्थीगण की भूमि खसरा संख्या 399/1 ग्राम माचवा तहसील कालवाड़ पर किसी प्रकार का परिवर्तन रास्ता निकालने जैसा नहीं किया जावे तथा गलत तरीके से तहसील—कालवाड़ में जविप्रा के पक्ष में कराये गये नामान्तरण को शून्य घोषित किया जावे।

ख— जयपुर विकास प्राधिकरण द्वारा इस गंभीर आपराधिक कृत्य में नामान्तरण को दुरुस्त नहीं कराये जाने के कारण अपीलार्थीगण को

मजबूर होकर माननीय न्यायालय के समक्ष अपील दायर करनी पड़ रही है जिसका हर्जा-खर्चा प्रतिवादीगण से दिलाया जावे।

ग- हस्तगत प्रकरण में गंभीर आपराधिक कृत्य दस्तावेजात पर उपलब्ध होने के कारण पुलिस में प्राथमिकी दर्ज कराने का आदेश प्रदान किया जावे।

घ- अन्य अनुतोष जो रेफरेंसकर्ता के हक एवं विरुद्ध प्रतिवादी हो अता फरमाया जावे।”

3. Learned counsel for the petitioners submits that in the said appeal, although Respondent No. 3 had no concern whatsoever with the land in question, despite that Respondent No. 3 filed an application under Order 1 Rule 10 read with Section 151 CPC for impleading itself as party respondent in the appeal. Ignoring the objections raised by the petitioners, the Appellate Tribunal has allowed the application vide impugned order dated 01.04.2026 and Respondent No. 3 has been permitted to intervene in the appeal.

4. Learned counsel for the petitioners vehemently argued that impleadment of Respondent No. 3 as intervenor in the appeal would create further complications in smooth disposal of the appeal. It has been submitted that that Appellate Tribunal has exceeded its jurisdiction in applying the provisions of Order 1 Rule 10 CPC in the present case overlooking the apparent factual aspect that Respondent No. 3 is neither recorded khatedar of the land in question, nor has it purchased the land in question in any manner whatsoever. Learned counsel submits that the dispute is between the petitioners and Jaipur Development Authority with regard to permitting right of way through the land in question on the basis of the alleged surrender deed in favour of Jaipur Development Authority, which is already under investigation with

regard to forgery and fabrication. Under these circumstances, Respondent No. 3 can neither be necessary, nor proper party. Hence, allowing Respondent No. 3 to intervene in the pending appeal filed by the petitioners would cause serious prejudice and miscarriage of justice to the petitioners.

5. Learned counsel appearing for the respondents would submit that the petitioners have not come out with clean hands and the facts of the case have not been stated in correct manner. It was submitted that Respondent No. 3 has purchased the land adjacent to the land in question from the petitioners, who are recorded khatedars of the land in question by way of executing registered sale deed dated 25.09.2024. It is submitted that the land purchased by Respondent No. 3 from the petitioners does not fall on the main road and there was no right of way available to Respondent No. 3. Under these circumstances, in order to make the sales transaction viable, a settlement and final compromise deed came to be executed between the petitioners and Respondent No. 3, in which, it was undertaken by the petitioners to surrender the land in question to Jaipur Development Authority. Learned counsel for the respondents further submitted that thus, surrender of land in question for the purpose of construction/widening of road by Jaipur Development Authority is a significant factor which directly affects the rights of Respondent No. 3. Since prayers made in the appeal were causing prejudice to such rights of Respondent No. 3, therefore, application under Order 1 Rule 10 read with Section 151 CPC was filed by Respondent No. 3 before the Appellate Tribunal which has rightly

been allowed. There is no apparent error or illegality in the impugned order and, therefore, writ petition filed by the petitioners is liable to be dismissed.

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

7. Scope of Order 1 Rule 10 CPC is apparently clear that as and when any Court finds that a person, who is affected by the pending dispute and the prayers made therein, a separate order can be passed to implead such person as party either suo motu or on application filed by the concerned person. The facts placed on record would make it clear that the petitioners in the appeal have prayed for restraining Jaipur Development Authority from creating right of way through the land in question. The documents placed on record would also reveal that the land adjacent to the land in question was purchased by Respondent No. 3 from the petitioners and even a settlement and compromise deed has also been entered into by the parties for surrendering the land in question by the petitioners to Jaipur Development Authority. It also appears that such surrender deed for the purpose of construction of road has also been placed before Jaipur Development Authority, although execution thereof has been objected by the petitioners, yet in view of the obtaining facts and circumstances of the present case, it cannot be said that Respondent No. 3 has nothing to do with the land in question, through which a passage is proposed to be created for Respondent No. 3 in order to have access to the land purchased by Respondent No. 3 from the petitioners.

8. Thus, this Court finds that no error whatsoever has been committed by the Appellate Tribunal in treating Respondent No. 3 as necessary and proper party and allowing it to intervene in the pending appeal.

9. It has also been brought to notice of this Court that in **D.B. Special Appeal (Writ) No. 481/2026 titled as Dr. Adhi Raj Singh vs. The State of Rajasthan & Others**, directions have been issued by the Division Bench of this Court vide judgment dated 29.06.2026 to Appellate Tribunal to dispose of the appeal within a period of four months from the date of passing of above order. Hence, while dismissing the present writ petition filed by the petitioners, this Court directs the Appellate Tribunal to make compliance of judgment dated 29.06.2026 passed by the Division Bench of this Court in the case of **Dr. Adhi Raj Singh (supra)**.

10. Writ petition is, accordingly, dismissed.

11. Pending applications, if any, also stand dismissed.

(ANAND SHARMA),J