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Heard learned counsel for the parties.

Leave granted.

This appeal is directed against the impugned judgment and order dated 27.08.2009 of the High Court of Judicature at Allahabad. By the impugned order the High Court has directed the Deputy Collector, Tehsil Dadri, Distt. Gautam Budhha Nagar that if the allotment of the writ petitioners (respondents herein) is found to be in order, he shall get the encroachment removed and ensure the possession of the writ petitioners over the land allotted to them.

Learned counsel for the appellants submitted that the appellants were not parties before the High Court. He further contended that in consolidation proceedings an order was passed in favour of the appellants.

We are not going into the correctness or otherwise of the statement made by learned counsel for the appellants. However, we are of the opinion that the appellants should have been made a party before the High Court. Hence, we set aside the impugned judgment and order and remand the matter to the High Court. The writ petitioners-respondents shall implead the appellants as a party in the High Court and after hearing the appellants herein and other concerned parties, the High Court shall pass a fresh order.

Appeal allowed. No order as to the costs.

.....J.
(MARKANDEY KATJU)

.....J.
(A.K. PATNAIK)