



Pawan Kumar Vs. State of H.P. and others

**CWP No. 07 of 2023 with CWP No. 26 of 2023**

01.12.2023 Present: Mr. Ajay Sharma, Senior Advocate with Mr. Atharv Sharma, Advocate, for the petitioner(s), in both the petitions.

M/s Rupinder Singh and Pushpender Jaswal, Additional Advocate General with M/s & Rohit Sharma & Sumit Sharma, Deputy Advocate Generals and Mr. Rajat Chauhan, Law Officer, respondents-State.

Mr. P.M. Negi, Advocate, for the proposed respondents/applicants.

**CMP No. 6608 of 2023 in CWP No. 07 of 2023**

By way of this application filed under Order 1, Rule 10 of the Code of Civil Procedure, the applicants have prayed for their impleadment as party-respondents in this writ petition on the averments contained therein. Their primary contention is that the suit land is a government land which has been encroached upon by the petitioner and on account of the pendency of this litigation, the State has not been able to remove the encroachments thereupon and the result is that the encroachment which otherwise is on common path, is hampering the construction of an Ambulance road.

Having heard learned Counsel for the applicants and having perused the averments contained in the application, this Court is of the considered view that the application is misconceived. The petitioner herein is primarily aggrieved by certain quasi judicial orders. One such order is order dated

17.12.2021, passed by the Assistant Collector 1<sup>st</sup> Grade, Badsar, Tehsil Badsar, in case No. 6 of 2020, titled as State of Himachal Pradesh vs. Anil Kumar, in terms whereof in proceedings under Section 163 of the Himachal Pradesh Land Revenue Act, 1954, his eviction from Government land has been ordered. The other order is the order passed by SDO (C), Barsar-cum-Collector, Sub Division Barsar, District Hamirpur, in an appeal preferred by the petitioner under Section 14 of the H.P. Land Revenue Act, 1954, titled as Sh. Arun Sharma and others vs. State of H.P. and another, dated 28.10.2022, in terms whereof, the appeal filed by the present petitioner against the order passed by Assistant Collector, 1<sup>st</sup> Grade, Barsar, stands dismissed.

This Court is of the considered view that in exercise of its power of judicial review, this Court has to go into the legality of the orders passed by the Quasi Judicial Authorities, on the basis of material which was placed by the parties before said authorities. The applicants admittedly were not a party in either of the said proceedings. That being the case, this Court is of the considered view that the applicants are neither necessary nor proper parties for the adjudication of this writ petition wherein this Court primarily has to test the legality of the orders passed by the Quasi Judicial Authorities, which as already

observed hereinabove, this Court will do on the basis of the material placed by the respective parties before the Quasi Judicial Authorities. Accordingly, present application is dismissed.

**CWP No. 07 of 2023 & CWP No. 26 of 2023**

As prayed for, list on 05.03.2024. In the meanwhile, pleadings be completed.

**(Ajay Mohan Goel)**  
**Judge**

December 07, 2023  
*(narendar)*

High Court