

Desh Ram Vs. U.i.T.

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SooperKanoon Citation : sooperkanoon.com/764577

Court : Rajasthan

Decided On : Dec-03-1986

Reported in : 1987(2)WLN328

Judge : Guman Mal Lodha, J.

Appeal No. : S.B. Civil Revision Petition No. 275 of 1980

Appellant : Desh Ram

Respondent : U.i.T.

Disposition : Petition dismissed

Judgement :

Guman Mal Lodha, J.

1. Mr. Goyal submits that since no relief has been claimed against the owner Om Prakash, the lower court has committed a mistake of jurisdiction in permitting his application and adding him as a party.

2. Mr. Bhandari's contention on the other hand is that Om Prakash being the owner is vitally interested that any encroachment made or any illegal construction made or any commission or omission made in respect of the property is sought to be removed by Urban Improvement Trust, should either be removed or not removed as the case may be.

3. Having heard learned Counsel for the parties, I am of the opinion that order of the lower court calls for no interference. The lower court has given important relevant reasons for adding Om Prakash as party on his own application. It is not in dispute that Om Prakash is the owner of this property and UIT is trying to demolish the so called alleged unlawful construction.

4. Whether constructions made by tenant is lawful or unlawful is a matter where the owner is always vitally interested. In that view of the matter I am firmly of the view that in all matters where the Urban Improvement Trust or Development Authority is trying to demolish some property or remove some encroachment alleged to have been made, by the tenant the land lord or the owner is a necessary party for the purposes of deciding rights between them. Even if it is assumed that the landlord is not a necessary party, he would always be a proper party.

5. In this view of the matter the order impugned is just and proper and calls for no interference. The revision petition is dismissed without any order as to costs.