

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7294 OF 2008
[Arising out of SLP(C) No.16736 of 2006]

RANDHIR SINGH BHALLA

.....APPELLANT(S)

Versus

**SPECIAL LAND ACQUISITION OFFICER
& ANR.**

.....RESPONDENT(S)

ORDER

Leave granted. Heard the parties.

2. The appellant has filed W.P. No.1539/1987 on the file of the Bombay High Court challenging the acquisition of his land. In the said petition, the third respondent herein filed an application (Chamber Summons No. 175/2004) for impleadment on the ground that he wanted to resist the writ petition in public interest. The High Court by order dated 24.4.2006 allowed the said application and permitted the third respondent to be impleaded.

3. The appellant as the *dominus litis* feels aggrieved. According to him, the third respondent cannot seek to espouse any alleged public cause in a private interest litigation challenging acquisition. He also submitted that the third respondent was not a necessary or proper party to the said proceedings.

.....2.

4. When the matter came up today for hearing, learned counsel for the third respondent submitted that the pendency of this matter is delaying the hearing of the writ petition and defeating the purpose of his getting impleaded in the writ petition. In the circumstances, he submitted that the third respondent does not have any objection for the appeal being allowed and his impleadment being set aside. Learned counsel for the Municipal Corporation, Mumbai also submits that he has no objection for the appeal being allowed.

5. We are of the view that the third respondent being neither a necessary nor proper party to the writ proceedings pending before the High Court, ought not to have been impleaded as a party.

6. Accordingly, we allow this appeal and set aside the impugned order dated 24.4.2006. However, having regard to the fact that the writ petition has been pending for more than 20 years and the nature of the said writ proceedings we request the High Court to expedite the hearing and disposal of the writ petition.

.....J.
(R.V. RAVEENDRAN)

New Delhi;
December 12, 2008. (D.K. JAIN)J.