

HIGH COURT OF MADHYA PRADESH : JABALPUR

(HEARD THROUGH VIDEO CONFERENCING)

Case no.	W.P.No.14532/2020
Parties name	SHRI ASHOK LALWANI Versus THE STATE OF M.P.
Date of order	20/10/2020
Bench Constituted	Division Bench Comprising of Hon'ble Mr. Justice Sanjay Yadav, Acting Chief Justice & Hon'ble Shri Justice Rajeev Kumar Dubey
Judgment delivered by	Justice Rajeev Kumar Dubey
Whether approved for reporting	Yes
Name of counsel for parties	Shri Ashok Lalwani, petitioner in person.
Law laid down	<p>1. According to Rule 22 of Chapter IV of the High Court of Madhya Pradesh Rules, 2008 Hon'ble the Chief Justice, who is the Master of the roster has a power to direct to list any case before any Bench of this Court.</p> <p>2. Advocate of the petitioner of any petition is not aggrieved party so he has no <i>locus standi</i> to file a Writ Petition in person for seeking direction regarding listing of that petition.</p>
Significant paragraph numbers	5, 6 & 7

ORDER

(20/10/2020)

Per : Rajeev Kumar Dubey, J.

This writ petition has been filed under Article 226 of the Constitution of India to direct the Registry of this Court to change the category of the W.P.No.11333/2020 filed by M/s Diamond Steel Industry, through its Proprietor Shri Ghanshyam Verma for quashing of the orders dated 02/07/2020, 04/03/2020, 18/12/2019, 16/02/2017 and 19/12/2016 passed by

officials of Industrial Department from the category of cases filed against the order passed under M.P. Lok Parisar (Bedakhali) Adhiniyam, 1974, to the category under which the cases pertaining to termination of lease are categorised.

2. Brief facts of the case which are relevant to the disposal of this petition are that the W.P.No.11333/2020 has been filed by the M/s Diamond Steel Industry, through its Proprietor Shri Ghanshyam Verma for quashing of the orders dated 02/07/2020, 04/03/2020, 18/12/2019, 16/02/2017 and 19/12/2016 passed by officials of the Industrial Department since the order dated 04/03/2020, Annex.P-3 (Annex.P-17 of W.P. No.11333/2020) was issued by the General Manager, District Trade and Industry Centre, Sehore (M.P.) wherein it was mentioned that the said notice was being issued under M.P. Lok Parisar (Bedakhali) Adhiniyam, 1974 for giving vacate possession of a plot which was earlier allotted to petitioner of that petition i.e. M/s Diamond Steel Industry. In that notice, it was also mentioned that if M/s Diamond Steel Industry, petitioner of that petition did not give vacant possession of the said plot within stipulated period, action be taken against it under the M.P. Lok Parisar (Bedakhali) Adhiniyam, 1974 for getting vacant possession of that land from it. Looking to the prayer for quashing of that order, dealing Assistant captioned the Writ Petition (W.P. No.11333/20) filed by the M/s Diamond Steel Industry in the category of cases in which the cases filed against the order passed by the authorities under the M.P. Lok Parisar (Bedakhali) Adhiniyam, 1974 are captioned. On that, counsel of the petitioner raised an objection. On considering the objection by the counsel of the petitioner of that petition (W.P.No.11333/2020), Hon'ble the Chief

Justice vide order dated 31/8/2020 directed to list the matter before Division Bench as per roster. In pursuance of the order of the Hon'ble the Chief Justice, the said petition was listed before the Division Bench of this Court. Being aggrieved, Shri Ashok Lalwani, learned counsel, who is the counsel of the petitioner of W.P. No.11333/20 filed this petition in his personal capacity.

3. Petitioner submitted that the W.P.No.11333/2020 has been filed against the orders passed by the officials of Industrial Department under the M.P. State Audhoyogik Bhoomi and Bhawan Prabandhan Niyam, 2015 not under the M.P. Lok Parisar (Bedakhali) Adhiniyam, 1974. So, according to the High Court Rules, the said petition should have been captioned under the category in which the petitions filed against the orders for termination of lease are categorised. DA wrongly captioned W.P.No.11333/2020 in the category of cases in which the cases filed against the orders passed by the authorities under M.P. Lok Parisar (Bedakhali) Adhiniyam, 1974 are captioned. If the W.P.No.11333/2020 is listed before Division Bench, petitioner shall be deprived of the right to file Writ Appeal and deprivation of the right to Writ Appeal shall infringe the constitutional fundamental right as conferred under Article 14 of the Constitution of India. So, Registry of this Court be directed to caption the W.P.No.11333/2020 under the category of cases in which cases filed against the order of termination of lease are captioned.

4. It appears from the record that M/s Diamond Steel Industries, Proprietor Shri Ghanshyam Verma filed W.P. No.11333/2020 for quashing of the orders dated 02/07/2020, 04/03/2020, 18/12/2019, 16/02/2017 and

19/12/2016 passed by officials of the Industrial Department. Out of the aforementioned orders, the order dated 04/03/2020 (Annex.P-17 of W.P. No.11333/2020) is the notice sent by the General Manager, District Trade and Industry Centre, Sehore (M.P.). In that notice, it was clearly mentioned that notice was being issued for filing reply to the notice issued under the M.P. Lok Parisar (Bedakhali) Adhinyam, 1974 for giving vacant possession of the plot and it was also mentioned that if the applicant would not give vacant possession of the said plot within stipulated period, action be taken against it under the M.P. Lok Parisar (Bedakhali) Adhinyam, 1974. So, Dealing Assistance did not commit any mistake in captioning the W.P. no.11333/2020 in the category of cases in which the petitions filed against the orders passed by the authorities under M.P. Lok Parisar (Bedakhali) Adhinyam, 1974 are kept.

5. Further according to Rule 22 of Chapter IV of the High Court of Madhya Pradesh Rules, 2008 which reads as thus:-

“22. Notwithstanding anything hereinbefore contained in these Rules, the Chief Justice may, by special or general order, direct a particular case (s) or a particular class (es) of cases to be listed before a particular bench.”

6. Hon'ble the Chief Justice, who is the Master of the roster has a power to direct to list any case before any Bench of this Court. It appears from the record that on the objection of learned counsel of the petitioner of W.P. No. No.11333/2020, Hon'ble the Chief Justice directed to list the matter before the Division Bench. So, there is no infirmity in the listing of the case before the Divisional Bench of this Court.

7. Furthermore, this petition is filed by Shri Ashok Lalwani, who is a third party to that petition. Though, he is the Advocate of the petitioner in the W.P.No.11333/2020 but only on the basis, it can not be said that he is an aggrieved party. The petitioner in this case, who is a third party to the W.P.No.11333/2020 has no *locus standi* to file a Writ Petition for seeking direction regarding listing of that petition. The petition has no force and is hereby dismissed. No costs.

(Sanjay Yadav)
Acting Chief Justice

(Rajeev Kumar Dubey)
Judge

m/-