

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO.3093 OF 2014

1. Dnyanoba Vithoba Yadav,
Age 57 years, Occu. Agri.,
R/o Selu, Taluka Georai,
District Beed
 2. Namdev Tulsiram Yadav,
Deceased, through his L.R.
 - 2A. Madan Namdev Yadav,
Age 40 years, Occu. Agri.,
R/o Selu, Taluka Georai,
District Beed
 3. Bhagwan Eknath Bhoite,
Age 42 years, Occu. Agri.,
R/o As above
 4. Baban Kisan Jagtap,
Age 47 years, Occu. Agri.,
R/o As above
- ..Petitioners

Versus

1. The State of Maharashtra,
through the Collector,
Collectorate, Beed
2. The Dy. Collector, Georai
3. The Tahsildar, Georai
4. Syed Ismail Syed Amir,
Age 51 years, Occu. Agriculture/
Business, R/o Georai, Taluka
Georai, District Beed
5. Bhimrao Laxman Tayade,
Age 34 years, Occu. Labour,
R/o Surdi, Taluka Georai,
District Beed
6. Shrimant Shankar Chabhare,
Age 50 years, Occu. Agriculture/
Labour, R/o as above

7. Bharat Sitaram Jawle,
Age 49 years, Occu. Retd Soldier/
Service, R/o Indraprastha
Colony, Nagar road, Beed
8. Trimbak Digambar Joshi,
Age 49 years, Occu. Retd. Soldier
R/o Datta Mandir Galli, Beed
9. Yadav Shankar Ingole,
Age 63 years, Occu. Retd. Soldier,
R/o Sawargaon, Taluka Georai,
District Beed
10. Nandabai Sarjerao Sasane,
Age 47 years, Occu. Household,
R/o Ranjani, Taluka Georai,
District Beed
11. Mangalbai Manik Kande,
Age 47 years, Occu. Household,
R/o Sanghamitra Nagar,
Georai, District Beed
12. Bhaskar Ranuji Chopade,
Age 40years, Occu. Labour,
R/o Marphala, Taluka Georai,
District Beed
13. Gajanan Trimbakrao Joshi,
Age 45 years, Occu. Labour
R/o Selu, Taluka Georai,
District Beed
14. Namdev Satwa Unawane,
Age 75 years, Occu. Nil,
R/o Marphala, Taluka Georai,
District Beed
15. Subhash Shivdas Jagtap,
Age 30 years, Occu. Labour,
R/o Selu, Taluka Georai,
District Beed
16. Saraswati Bhagwan Aaglave,
Age 45 years, Occu. Household,
R/o Selu, Taluka Georai,
District Beed

17. Anil Rupaji Dongre,
Age 30 years, Occu. Labour
R/o Selu, Taluka Georai,
District Beed
 18. Sahebrao Vishwanathrao Kajale,
Age 59 years, Occu. Labour
R/o Selu, Taluka Georai,
District Beed
 19. Vikram Kisanrao Jagtap,
Age 60 years, Occu Labour
R/o Selu, Taluka Georai,
District Beed
 20. Damodar Kisanrao Jagtap,
Age 65 years, Occu. Labour
R/o Selu, Taluka Georai,
District Beed
 21. Ishwar Thalaji Todekar,
Age 70 years, Occu. Labour
R/o Selu, Taluka Georai,
District Beed
 22. Madan Ratan Kajale,
Age 42 years, Occu. Labour
R/o Selu, Taluka Georai,
District Beed
 23. Ashok Chandrabhan Markard,
Age 38 years, Occu. Soldier,
R/o Talwada, Taluka Georai,
District Beed, at present
Golher, Madhya Pradesh
- ..Respondents

Mr Dhananjay Deshpande, Advocate for petitioner

Mr A.V. Deshmukh, AGP for respondents No.1 to 3

Mr G.K. Naik - Thigale, Advocate for respondents No.4, 7, 8, 9, 12, 13 and 22

CORAM : N.W. SAMBRE, J.

DATE : 30th November 2015

PER COURT

1. The application Exh.103 filed by the respondents before the trial Court, for impleading party under Order I, Rule 10 (2) of the Code of Civil Procedure came to be granted by order dated 15th March 2014.

2. Learned Counsel for the petitioner would urge that there is no lease between the parties, particularly plaintiffs and applicants to application Exh.103. He would then urge that the claim, as is sought to be put forth by the applicants in the said application is not under ambit of Order I, Rule 10, as they are not necessary party.

3. According to him, for deciding the issue involved in the suit, it is premature for the applicants to application Exh.103 to be added as defendants to the suit for injunction.

4. The above referred submissions are opposed by learned Counsel for respondents Mr Thigale and learned Assistant Government Pleader on the ground that the land in question was allotted under the relevant statute to the respondents and the status of the present petitioners - applicants is ascertained to be that of encroacher on the suit property. According to them, the learned trial Court has passed a reasoned order allowing the application Exh.103 which does not call for any interference.

5. Having analysed the rival submissions, it is noted that no illegality is noticed. Order impugned is based on sound and cogent reasons. The petition fails, stands dismissed.

(N.W. SAMBRE, J.)

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