

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8151 OF 2013

Deepak Dinkarrao Pathak

Petitioner

Versus

The Commissioner,
Latur Municipal Corporation,
Latur and others

Respondents

Petitioner in petitioner
Mr.V.D. Hon, Sr. Advocate for Respondent No.1
Mrs. A.V. Gondhalekar, AGP for respondent No.2
Mr.V.D. Salunke advocate for intervener

CORAM : R.M. BORDE &
P.R. BORA, JJ

Dated : 17th JUNE, 2015.

PER COURT

- 1 Heard petitioner in person.
- 2 The petitioner is a businessman and running his business at Latur. The petitioner alleges in the petition that, one Shri Balwant Jadhav, Advocate at Latur has raised unauthorized construction, by making encroachment on the public places as well as in violation of FSI. The petitioner prays for taking action against him and as against the Officers who permitted raising of such construction by Shri Balwant Jadhav.
- 3 The petitioner is directed against an individual Advocate, making allegations against him, in respect of raising illegal

construction. The issue of raising of illegal construction shall have to be dealt with by the Municipal Corporation. Mr. Hon, learned Sr. counsel appearing for the Municipal Corporation, on instructions informs that, the allegations in respect of raising of illegal construction would be looked into by the Commissioner of Corporation and appropriate action would be initiated.

4 So far as instant petition is concerned, it is noticed by us that the petition is outcome of the personal vendetta against Advocate Mr. Jadhav, who represents the wife of the petitioner in the pending matrimonial disputes, which are being prosecuted In Latur Court. Although the instant petition is directed against Mr. Jadhav, Advocate, the petitioner has conveniently failed to implead him as a party respondent. The petitioner made a wise attempt to secure orders against Mr. Jadhav behind his back and without impleading him as a party respondent. It is also noticed by us that, it is not a case that the petitioner is not conversant with the legal intricacies and the procedure of the Court. He has presented number of public interest litigations, in this Court and those are pending and some matters are disposed of. It is no doubt true that, the petitioner tried to secure orders against Mr. Jadhav without impelading him as a party respondent in the petition. These facts were noticed on receiving an application for

intervention by Mr. Jadhav. In the application for intervention, presented on behalf of Mr. Jadhav, it is pointed out that Mrs. Poonam Pathak is deserted wife of the petitioner and has initiated various proceedings in different Courts. Mr. Jadhav, advocate is representing the wife of the petitioner in several proceedings. Not only that, but the petitioner has indulged in presenting several applications against the advocate in the proceedings pending in the Courts below. It is alleged by the intervener that, the present petition is presented, with a view to take a personal revenge. The contentions raised in the application for intervention have not been denied by the petitioner. It is admitted by the petitioner that, in the litigation between him and his wife, Mr. Jadhav Advocate is representing his wife.

5 The circumstances enumerated above persuade us not to cause interference in the matter.

6 During the course of hearing, the petitioner was warned that if he insists for continuance of hearing of the petition, which is mainly directed against his opponent Advocate (wife of the applicant), he may be saddled with costs. The petitioner insisted upon extending hearing to him and he was allowed to argue the matter for about half an hour.

7 In the light of reasons cited, we deem it fit not to cause any interference in the matter. However, at the same time, we direct imposition of costs of Rs.50,000/- against the petitioner.

8 Writ petition is dismissed with costs, quantified at Rs.50,000/- .

(P.R. BORA, J)

(R.M.BORDE, J)

vbd