

SQP

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8999 OF 2013**

Narayan Kisan Gawade & Ors.	...Petitioners
Versus	
Archana Rajendra Mohite & Ors.	...Respondents

Mr. Drupad S. Patil for the Petitioners

Mr. V. S. Gokhale, A.G.P for the Respondent Nos. 21 and 22

**CORAM : A. S. OKA &
REVATI MOHITE DERE, JJ.
THURSDAY, 2ND JULY, 2015**

P.C. :

1. Heard learned Counsel appearing for the petitioners.

2. The challenge in this petition under Article 226 of the Constitution of India is to the order dated 13th May, 2010 by which the District Collector cum Deputy Director of Rehabilitation (Land), Pune granted a permission to respondent Nos. 4 to 6 to sell the land subject matter of the said order. The submission of the learned Counsel appearing for the petitioners is that though the application for grant of permission was filed in respect of area of 47.5 R, the permission has been granted by the

impugned order for sale of area of 1H 90R. His submission is that area of 1H 90R includes the land owned by the petitioners. He, therefore, submits that the impugned order affects the right, title and interest of the petitioners.

3. We have considered the submissions of the petitioners. Assuming that the petitioners are the owners of a part of the land in respect of which the permission of sale has been granted under the impugned order, the right, title and interest claimed by the petitioners is not affected by the impugned order. Even if fourth to sixth respondents have been permitted to sell the land, the impugned order does not confer any title on the said respondents, which did not vest in them.

4. Therefore, by grant of sale permission, the petitioners will not be affected in any manner. Even if fourth to sixth respondents are claiming title which is adverse to the title claimed by the petitioners, the petitioners can always file a civil Suit and claim appropriate reliefs therein. The petitioners can always approach the Civil Court for seeking injunction against the fourth to sixth respondent for preventing alienation of the said land.

5. As the petitioners are in no way affected by the impugned order, by granting appropriate liberty to the petitioners as aforesaid, the petition is disposed of.

(REVATI MOHITE DERE, J.)

(A. S. OKA, J.)