

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1710 OF 2014

(Sandip s/o. Narendra Agrawal .vs. Assistant Engineer, Dhantoli Zone No.4, Nagpur
Municipal Corporation)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms Sangita Jachak, Adv. for respondent nos. 1 and 2.

CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.

DATE : 12th JANUARY, 2015.

None appears on behalf of the petitioner. Mr.A.A.Naik, learned Counsel appearing for the proposed Intevenor i.e. applicant in Civil Application No.3425 of 2014 strongly objects to any adjournment. He submits that the petition was already dismissed once on 19.11.2014 and the petitioner is interested only in continuation of interim order. This Court, vide Order dt.2.4.2014, has protected unauthorised structure of tin shed by expressly stating that it would not be used for any commercial purpose. The structure is used only for the said purpose.

Without prejudice, Mr.A.A.Naik, learned Counsel also invites our attention to interpolations in the index before the petition and list of annexures after memo of Writ Petition as also in the prayer clause. He submits that the petition was sworn in on 14.3.2014 when notice dt.21.3.2014 issued by the Nagpur Municipal Corporation was not in existence. That notice has been inserted later on

by adding words in the handwriting without leave of this Court. Thus, this tampering must debar the petitioner from any relief.

We leave all the objections open. As the petitioner is not appearing, we dispose of the present Writ Petition with costs of Rs.2,000/- payable to the respondents 1 and 2.

In the circumstances, we allow the application for intervention. The Intervenor be added as a party/respondent no.3.

Necessary amendment be carried out by the Intervenor immediately.

JUDGE

JUDGE