

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 326 OF 2015
IN
WRIT PETITION NO. 2494 OF 2006

Bhoomi Valley Co-operative	}	
Housing Society Ltd.	}	Applicant
in the matter of		
M. H. Merchant and Anr.	}	Petitioners
versus		
State of Maharashtra	}	
and Ors.	}	Respondents

Mr. Sandeep Bhagwat with Mr. Navin Bhatia i/b. M/s. Mahimtura and Co. for the petitioners.

Mr. Ranbir Singh with Ms. Naseem Patrawala i/b. M/s. Malvi Ranchoddas and Co. for the applicant.

Ms. P. H. Kantharia – Government Pleader with Mr. Dushyant Kuma – AGP for respondent nos. 1 to 5.

Ms. Shreya Parikh i/b. M/s. Jayakars for respondent no. 7.

CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.

DATED :- SEPTEMBER 30, 2016

P.C. :-

Having heard both sides, we find that the applicant, which is a co-operative housing society of the flat purchasers in the building, which was constructed on the land, regarding which,

there is a dispute as to whether this is a private forest land or not, is a proper party. Eventually the petitioners, who are the developers/promoters have put up construction pursuant to interim order of the court and have dealt with the same. Those who have dealt with the petitioners may be having disputes with the petitioners, but these are not subject matter of the writ petition. So long as the applicant desires to support the claim of the petitioners in the writ petition that this land cannot be termed as private forest, we do not think that the apprehension of the petitioners' counsel and opposition to the joinder should be considered in any further details. Once the applicant's advocate says that the applicant is supporting the petitioners insofar as this petition and reliefs therein is concerned, then, we allow the chamber summons. It is made absolute in terms of prayer clause (a). The petitioners shall carry out necessary amendment to implead the applicant as a respondent to the petition, within two weeks from today. No costs.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)