

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

WRIT PETITION NO. 3586/2015.

Janta Mastya Vayasay Sahakari Sanstha Maryadit, Palshi

-VERSUS-

The State of Maharashtra and 2 others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

**CORAM : B.P. DHARMADHIKARI
& P.N. DESHMUKH, JJ.**

DATE : APRIL 16, 2016.

Heard Shri A.S. Deshpande, learned Counsel for the petitioner. He is seeking adjournment. However, Shri S.K. Tambde, learned Counsel appearing on behalf of the proposed intervenor is opposing the same. Ms. Naik, learned A.G.P. appears for respondent nos. 1 to 3.

2. By the impugned communication dated 26.06.2015, the petitioner has been called upon to produce a no objection certificate given to it for its registration on Sindhi (Antargaon) Tank.

3. Petitioner is not in a position to explain how and why such a no objection certificate has been

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demanded. However, during arguments we find that the proposed intervenor has been allotted that Tank earlier for a period, which was to expire on 30.06.2015. It is, therefore, obvious that the Tank fell in jurisdiction of proposed intervenor.

4. The petitioner claims that it has been subsequently registered on the said Tank, and therefore, the Tank must be allotted to it. This contention cannot be examined in absence of proposed intervenor and also without petitioner pointing out the reasons for demanding NOC from it. Petitioner has to place on record the facts and circumstances in which it got itself registered on Sindhi (Antragaon) Tank, if already one society was registered on it. The other society which may be objecting to grant of Tank to petitioner, and therefore, has filed an application for intervenor before this Court, has not been joined as party respondent.

5. It is apparent that this issue cannot be effectively resolved by us. Writ Petition is, therefore, dismissed. No costs.

JUDGE**JUDGE**

Rgd.