

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

CIVIL APPLICATION (CAW) NO.1342 OF 2016

IN

WRIT PETITION NO.1524 OF 2005

Devidatt S/o Sagarmal Murarka

..vs..

**The State of Maharashtra, through the Secretary, Department of Revenue and Forest,
Mantralaya, Mumbai-32 and or**

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

Court's or Judge's Order

.....
Shri V.V. Bhangde, counsel for the applicant/petitioner.
Mrs.S.S. Jachak, counsel for NA No.4/Resp.
Mrs. A.R. Kulkarni, AGP for NA Nos.1,2,3,5, & 6.

**CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA K. JAIN, JJ.**
DATED : JULY 27, 2016.

Heard.

Keeping objection to *locus* of the petitioner
[earlier petitioner Devidatt s/o Sagarmal Murarka
(since deceased)] and applicant Umesh Choubey, in the
civil application, open, we allow the civil application.
The applicant is permitted to substitute deceased
petitioner.

Deposit made by Devidatt s/o Sagarmal
Murarka shall continue during pendency of this petition.

Learned counsel Shri A.M. Ghare for non-
applicant No.7/respondent has urged that as Shri
Umesh Choubey is not party to the petition, if he is

aggrieved, he should be permitted to file a fresh petition. We find the objection misconceived. Subject matter of the petition is alleged unauthorized and illegal construction by non-applicant No.7/respondent. The petition is pending since 2005 and we are not inclined to waste further time in examining the issue.

The application is accordingly allowed and disposed of.

JUDGE

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

**Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)**

Uploaded on : -28/07/2016

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