

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Civil Application No. 12045 of 2016
(In Writ Petition No. 5730 of 2016)

District : Beed

Gunaji s/o. Ramrao Kakade,
Age : 45 years,
Occupation : Agriculture,
R/o. Gajanan Nagar, Georai,
Taluka : Georai,
District : Beed,
& 03 others.

.. Applicants.

versus

Fulchand s/o. Dulchand Chandre,
Age : 65 years,
Occupation : Labour,
R/o. Georai, Taluka Georai,
District Beed,
& 09 others.

.. Non-applicants.

.....

Mr. Vilas P. Sawant, Advocate, for the applicants.

*Mr. D.P. Palodkar, Advocate, for non-applicant
nos.01 to 06.*

*Mr. A.B. Girase, Government Pleader, for
non-applicant nos.07, 08 and 10.*

*Mr. R.N. Dhorde, Senior Advocate, with
Mr. A.M. Gaikwad, Advocate, for non-applicant
no.09.*

.....

**CORAM : V.M. KANADE &
SANGITRAO S. PATIL, JJ.**

DATE : 27TH JANUARY 2017

ORAL ORDER :

Heard.

02. The learned Counsel for the applicants submits that the applicants be permitted to intervene in the Writ Petition. The Writ Petition is filed by the petitioners challenging the decision of the Municipal Council to auction the land which, according to the petitioners, belong to them.

03. The Municipal Council on a scheme proposed by the Central Government, decided to construct a stadium at Georai and for that purpose, acquired land either through voluntary purchase or by acquisition. The petitioners have filed this Writ Petition challenging the auction of these plots. The Municipal Council has filed a reply. The applicants have already filed suit in the Civil Court challenging the sale deeds which are executed between the Municipal Council and the applicants - intervenors. No interim relief has been granted in the said suit.

04. In our view, the dispute between the intervenors - applicants and the Municipal Council in the said suit is different from the issue raised by the petitioner in this Writ Petition. Hence, the applicants are not necessary parties to this Writ Petition.

05. The Application seeking intervention is dismissed. All contentions of the applicants are kept open. The applicants may request the trial Court to expedite hearing of the suit. If application is so made, it may be considered sympathetically.

(Sangitrao S. Patil)
JUDGE

(V.M. Kanade)
JUDGE

.....