

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

WRIT PETITION NO. 11988 OF 2015

MOHD MANZOOR AHMED MAHEMOOD SIDDIQUI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Shri Mohammad Waseemullah.
AGP for Respondents/ State : Shri S.N.Kendre.
Advocate for Respondents 5 and 6 : Shri M.H.Shaikh.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 07th September, 2017

Per Court:

1 The Petitioners are aggrieved by the concurrent findings of the Additional Collector dated 10.09.2013 and the Maharashtra Revenue Tribunal dated 10.08.2015.

2 I have considered the strenuous submissions of the learned Advocates for the respective sides.

3 The issue is as regards the addition of Respondent Nos.5 and 6 before the Additional Collector in the Atiyat Appeal, which is still pending.

4 The learned Advocate for the Petitioners submits that insofar as Appeal No.2010/Appeal/Atiyat/CR/3 is concerned, the Petitioners are restricting their claim only to their share in the property. Respondent

Nos.5 and 6 herein, who are permitted to be added as Respondents, have themselves put forth their claim through independent proceedings. The said proceedings may be pending or may have been disposed of by now. They may seek a share in the property in their own proceedings and cannot be arrayed as Respondents in the appeal preferred by these Petitioners.

5 The Additional Collector, while allowing the intervention of Respondent Nos.5 and 6, has concluded that these intervenors are grandsons of Mohammad Munir Mohammad Amir and are children of Mohammad Yakub Siddique. Their grandfather Mohammad Amir was the Muntakhab holder No.5/ Inamdar/ Mutavali of the concerned property. He had four children, out of which, Mohammad Munir and Mohammad Abdulla have passed away. It is in this backdrop that the intervention application was allowed as they are the legal heirs of the original Muntakhab Holder and they have expressed their concern in their application while seeking intervention in the proceedings.

6 The Maharashtra Revenue Tribunal has also considered that as Mohammad Amir had 1/5th share in the property and the intervenors are successors of Mohammad Amir, they need to be arrayed as Respondents. Depriving them of an opportunity of hearing might eventually lead to a judgment in the proceedings which would affect them.

7 Considering the above, I do not find that the impugned orders could be termed as being perverse or erroneous or likely to cause gross injustice to the Petitioners, so as to cause an interference. This Writ Petition being devoid of merit is, therefore, dismissed.

kps

(RAVINDRA V. GHUGE, J.)