

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12335 of 2017
(Ramling Bhimrao Gaikwad Vs. The Additional Commissioner and
others)

Mr.A.V.Patil-Indrale, Advocate for the petitioner.
Mr.S.S.Rathi, Advocate for respondent No.3.
Mr.N.T.Bhagat, AGP for State.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 13/10/2017

PER COURT :

1. The petitioner is aggrieved by the ex-parte ad interim order dated 21/09/2017 passed by respondent No.1 Additional Divisional Commissioner in favour of respondent No.3, ignoring the caveat application filed by the petitioner on 19/09/2017. Grievance is that respondent No.1 has noted in the impugned order that no caveat application has been filed by anybody.

2. It is submitted by Mr.Patil, learned Advocate for the petitioner that the petitioner is one of the complainants and the grievance is about construction of a compound wall by respondent No.3 herein thereby encroaching upon the Government land in as much as obstructing a public road. Mr.Rathi, learned Advocate appearing on behalf of respondent No.3 strenuously contradicts the said

contention.

3. I am informed that the proceedings before respondent No.1 are posted today.

4. Considering the above, this petition is disposed of with liberty to the petitioner to file an intervention application, if not already filed, for seeking permission to participate in the pending proceedings. It needs mention that the respondent No.1 / Additional Divisional Commissioner shall henceforth be conscious about Section 148-A of the CPC and shall not ignore the caveat having been filed by any party in any proceeding.

5. The respondent No.1 Authority is at liberty to decide the proceedings as expeditiously as possible and preferable on or before 28/02/2018. All contentions of the parties are kept open.

(Ravindra V.Ghuge, J.)