

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2169 OF 2016
IN
WRIT PETITION NO. 4311 OF 2015**

Federation of Co-op Hsg Societies	..Applicant
In the matter between Manikantan Krishnan Nair	..Petitioner
Vs.	
The Dy. Collector (Enc and Removal) & Anr	..Respondents

**WITH
CIVIL APPLICATION NO.2168 OF 2016
IN
WRIT PETITION NO. 4310 OF 2015**

Federation of Co-op Hsg Societies	..Applicant
In the matter between Pandurang Dhondiba Katkar	..Petitioner
Vs.	
The Dy. Collector (Enc and Removal) & Anr	..Respondents

Mr. A. G.Damle Senior Advocate i/b Mr. Hemant Ghadigaonkar for the Applicant
Mr. P. S. Dani Senior Advocate i/b Mr. Vinay Hegde for original Petitioner
Mr. S. D. Rayrikar AGP for the Respondents

CORAM : R. M. SAVANT, J.
DATE : 24th JANUARY, 2017

P.C.

1 The above Civil Applications have been filed by the Applicant seeking its impleadment in the above Writ Petitions. The said impleadment is sought on the ground that the Applicant is a Federation of Co-operative Housing Societies, which societies have their buildings in CTS No.825 and that

the Federation has been given the right to beautify the open land behind plot Nos.47 to 51 as also the right to put up a name board. The said right has been given subject to the terms and conditions which have been mentioned in the letter dated 3-6-2005 of the Collector MSD, which is annexed as Exhibit B to the above Civil Applications.

2 The above Petition challenges the notice issued under Section 50 of the Maharashtra Land Revenue Code dated 7-4-2015 to the Petitioners abovenamed. The said notice is in respect of the alleged encroachment carried out by the Petitioners in the said CTS No.825 of Village Ambivali, Taluka Andheri. The said encroachment is therefore on the open plot of land in respect of which right has been given to the Applicant-Federation pursuant to which it seems that the Applicant-Federation has fenced the open plot of land and the same is being used by the residents of the locality for walking etc. Hence the Applicant-Federation can be said to be a party which is interested in the subject matter of the above Petitions.

3 In my view, it would be just and proper to allow the above Civil Applications, thereby permitting the Applicant to be impleaded in the above Writ Petitions. The Civil Applications are accordingly allowed and made absolute in terms of prayer clause (a). Amendment to be carried within two weeks from date. Amended cause title to be served on the office of the

Government Pleader, Writ Cell, as also copies of the amended Petitions to be served on the Advocates appearing for the Applicant-Federation. However it is clarified that the Civil Applications are allowed without prejudice to the rights and contentions of the parties on the merits of the matter.

4 The Civil Applications are accordingly disposed of.

[R.M.SAVANT, J]