

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

CAZ NO. 261/2013 IN LPA ST. NO. 5094/2013 IN
WRIT PETITION NO. 1395 OF 2012

(Uddhavrao s/o Antaram Shingade vs. Smt. Yashoda Shankar Tadpalliwar & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.
JANUARY 31, 2017.**

Heard Shri N.A. Padhye, learned counsel for the applicant/ appellant/ petitioner and Shri B.M. Lonare, learned AGP for respondent Nos. 2 to 5.

2. The applicant, an Ex-MLA and a social worker, assails the judgment of the learned Single Judge in favour of Respondent No. 1 in this application.

3. The contention is, without converting land to Non-agricultural purposes, an eating house has been permitted to come up on that land. Grant of FL-II license to Respondent No. 2 was opposed by the present applicant and that challenge is now pending before the learned Single Judge in an admitted writ petition.

4. The submission of Shri Padhye, learned counsel is, adjudication by the learned Single Judge in Writ Petition No. 1395 of 2012 will affect the consideration in that admitted writ petition. He submits that pendency of that

writ petition and other material facts were not brought to the notice of the learned Single Judge when Writ Petition No. 1395 of 2012 was decided on 30.10.2012.

5. Nobody appears for respondent No. 1.

6. We find that the present applicant was/ is not a party to Writ Petition No. 1395 of 2012. Any adjudication in that writ petition cannot operate to his prejudice. He can always demonstrate facts relevant for adjudication of pending challenge before the learned Single Judge and also raise contention that the judgment dated 30.10.2012 has got no bearing on that challenge.

7. With said liberty to the applicant and keeping all contentions open, we reject the present civil application.

JUDGE

JUDGE

*GS.