

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.1930 of 2018

**908 CIVIL APPLICATION NO. 1930 OF 2018
IN SA/465/2007**

SITARAM GANPATRAO MYANEWAR AND ANOTHER
VERSUS
SHABBIR AHMED SHAIKH ABDULLAH AND ANOTHER

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Advocate for Applicant : Mr.Dhongade Anilkumar B.
Mr. V.C.Patil, Advocate, h/f Mr. S.M.Godsay, Advocate, for non
applicant no.1.
Mr. H. I. Pathan, Advocate for non applicant no.2.

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CORAM : P.R. BORA, J.
Dated: June 13, 2018

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PER COURT :-

1. Heard Shri A.B.Dhongade, learned Counsel appearing for the applicants, Shri S.M.Godsay, learned Counsel appearing for the original appellant and Shri H.I.Pathan, learned Counsel appearing for respondent no.2.

2. Learned Counsel for the applicants submitted that the present appellant is wrongly claiming to have been allotted a piece of land belonging to the Municipal Council and it is noticed by the applicants that the contention so raised by the applicant has not been resisted by the Municipal Council in proper manner. Learned Counsel submitted that the property which is claimed by the appellant is, in fact, reserved for construction of a shopping complex in the name of Dr. Babasaheb Ambedkar and all necessary formalities were carried out like inviting objections from public at

agp/-

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large for carrying out construction in the premises, however, these contentions are not raised by the Municipal Council and, in the circumstances, the Municipal Council is likely to lose huge area of land admeasuring 4 Are which is in prime locality. In the circumstances, according to the applicants, they need to be permitted to intervene in the matter so that proper facts can be brought on record. The application is opposed by the learned Counsel appearing for the original appellant as well as by the learned Counsel appearing for the Municipal Council.

3. After having heard the learned Counsel appearing for the parties, it appears to me that the allegation made by the applicant is not supported with any tangible document. It does not appear to me that the Municipal Council and more particularly, the Chief Officer of the Municipal Council, who is entrusted with the duty of protecting the property of the Municipal Council, will any way commit any error in defending the suit filed by the Municipal Council. Learned Counsel Shri Pathan also pointed out that all necessary contentions were raised by the Municipal Council in the Court below and there is no reason for the Municipal Council to withhold any information from the Court. It further appears to me that if the applicant has some doubt that the Municipal Council may not appropriately defend the suit, the issue can be raised by him on the floor of the Municipal Council and that may be a better platform for him. I see no reason for allowing the

agp/-

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intervention application in the present appeal in absence of any primary proof that the Municipal Council is not defending the suit in a proper manner. Hence, the following order:

ORDER

1. Civil Application (No.1930/2018) is rejected.

(P.R. BORA, J.)

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