

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 CIVIL APPLICATION NO. 12852 OF 2018
IN
SA/1208/2005

SARVAJANIK DASARA MAHOTSAV SAMITI,
LATUR THR. PRESIDENT - PRAKASH
VISHVAMBHAR PATIL

VERSUS

THE SECRETARY, MAHARSHI DAYANAND
VYAYAM AND KRIDA MANDAL LATUR & ORS.

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Mr. K.V.Patil, Advocate for applicant.
Mr. P.N.Kutti, A.G.P. for R - 3 - State.
Mr. R.N.Dhorde, Senior Counsel
for appellant in S.A.
Mr. S.V.Chandole h/f Mr. V.G.Sakolkar,
Advocate for R - 2.

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CORAM: VL.ACHLIYA, J.
DATE : 16/10/2018

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ORAL ORDER :

1. The applicant has filed this application seeking following reliefs.

[A] Civil Application may kindly be allowed.

[B] Applicant - Samiti be permitted to perform/celebrate the Dushera festival on suit land on 18/10/2018 from 4.00 p.m. to 10.00 p.m. in the interest of public at large.

[C] The respondent No. 3 be directed to decide the representation made by the present applicant/intervener

and grant permission to celebrate Dushera festival on suit land on 18/10/2018 from 4.00 p.m. to 10.00 p.m. in the interest of public at large.

[D] Any other just and proper relief may kindly be granted in favour of the applicant.

2. The application is objected with contention that the applicant is not party to the Suit as well as Appeal. Learned counsel for the applicant submits that though the applicant has moved an application seeking permission in terms of prayer clause 'B', respondent No. 3 i.e. Collector, Latur has kept the application pending and, therefore, the applicant has approached this Court.

3. Since the applicant is not party to the proceeding pending before this Court, the applicant can not seek relief in terms of prayer clause 'B'. However, the applicant may be at liberty to prosecute the application pending before respondent No. 3, who in-turn decide the application on its own merit after taking into consideration the orders passed in present Appeal.

4. The application stands disposed of in above terms.

[V.L.ACHLIYA]
JUDGE