

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO. 4095 OF 2018**

**NUTAN EDUCATION SOCIETY SAILU  
VERSUS  
THE ADDITIONAL COLLECTOR PARBHANI AND OTHERS**

...  
Advocate for the Petitioner : Mr.S. S. Choudhari  
Advocate for Respondent Nos. 1 to 3 : Shri K.S. Patil.

...

**CORAM : RAVINDRA V. GHUGE, J.**

**DATED : 24<sup>th</sup> SEPTEMBER, 2018.**

...

***PER COURT :***

1. The petitioner is aggrieved by the order dated 12/09/2017, by which, the Maharashtra Revenue Tribunal, Aurangabad has allowed the intervention application in Case No.57/B/2015/Parbhani and has permitted the applicants therein to be arrayed as respondents in the Revision Application.

2. Shri Choudhari, learned Advocate for the petitioner has strenuously criticized the impugned order. He has drawn my attention to the grounds formulated in the memo of the petition.

3. Grievance is that these applicants are unconnected with the cause of action pending before the Tribunal and have been unnecessarily arrayed as respondents in the said proceedings. Unless the applicants indicate any interest in the proceedings and can prove that the proceedings can not be adjudicated upon without hearing them, intervention is not to be permitted.

4. It is further stated that a similar Writ Petition No. 4766/2018 has been filed in this Court and notice has been issued by this Court on 25/06/2018.

5. I find from the application for intervention and the impugned order that the intervention applicants are sons of those persons namely Munir Samsanuddin, Imamoddin Nabi, Ahmed Ghulam Hussain, Riyasat Muruddin, Subhan Abdul Kadar, Rahim Ghulam Hussain. Intervener applicant No. 1 to 6 are the sons of Imamuddin Nabi. Intervener applicant No. 7 to 11 are the sons of Shaikh Riyasat whose name appears in 7/12 extract of the lands. Intervener applicant No. 12 to 16 are sons of Ahemad and Intervenor applicant No. 17 to 22 are

sons of Muneer, whose names appear in the record of rights over the suit land that is the 7/12 extracts. Those entries indicate these persons as being the occupants on the land. The interveners being the sons of these persons whose names still appear in the 7/12 extract, desire to participate in the proceedings as the issue of title is involved and an order deciding the ownership and title would affect the interest of these interveners.

6. It needs no debate that such intervention applications are to be considered only to ensure that it does not so happen that the result in the proceedings would prejudice the rights of the interveners, without they being heard. Permitting any person to intervene does not mean that his claim to the suit property is accepted. Such interveners will have to establish their rights at the end of the trial. The Tribunal has found it appropriate to permit such intervention so as to ensure that these parties are heard before the final adjudication in the pending proceedings.

7. I do not find that the impugned order could be termed as being perverse or erroneous or likely to cause gross injustice

to the petitioner.

8. This petition, being devoid of merit, is therefore, dismissed.

**(RAVINDRA V. GHUGE, J.)**

shp/-