

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 334 OF 2018

SACHIN DINKAR MAHAJAN AND OTHERS
VERSUS
RAJU VITHOBA MAHAJAN AND OTHERS

Advocate for Petitioners : Shri Atmaram J. Patil.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 16th January, 2018

PER COURT :

1. The petitioners are those persons who have filed an application Exhibit 15 in Regular Civil Suit No. 104/2016, praying for leave to be arrayed as defendants in the said suit. They are aggrieved by the impugned order dated 14/09/2017, by which, the application has been rejected by the Trial Court.

2. Learned Counsel for the petitioners strenuously contends that the five plaintiffs have indulged in encroachment on the government land. These petitioners were instrumental in exposing the plaintiffs and consequent there to, the Gram Panchayat issued notices for removal of encroachment to the five plaintiffs. As a suit has been preferred seeking injunction against the Gram Panchayat and a declaration that the notices are illegal, these petitioners are

necessary parties as they would assist the Trial Court in adjudicating upon the suit. With their assistance, the encroachment will be proved and they can help the Gram Panchayat in the removal of the encroachment.

3. I have perused the petition paper book with the assistance of the learned advocate.

4. The plaintiffs have sought injunction and a declaration with regard to the notices for removal of encroachments. The Gram Panchayat, which has issued the notices, is a defendant. The Trial Court would surely consider the merits of the matter, so as to draw a conclusion, as to whether the notices are legal and as to whether the plaintiffs have committed any encroachment. In this backdrop, merely because some other villagers or residents within the limits of the Gram Panchayat feel that they can assist the Court, cannot be a ground for permitting the addition of parties, as the plaintiffs are '*dominus litis*' and the plaintiffs have to decide as against whom they desire to seek injunctory orders. In the suit for injunction, a third party cannot pray that he be arrayed, so as to enable the plaintiffs to seek relief against him.

5. Considering the above, I do not find that the impugned order

could be termed as being perverse or erroneous. This petition being devoid of merit, is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

S.P.C.