

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 10112 OF 2014****ALONGWITH****WRIT PETITION NO. 6172 OF 2014****Anil Kisanrao Sonawane & Ors.****..... Petitioners****VERSUS****The State of Maharashtra & Ors.****..... Respondents**

Mr.A.Anturkar, Senior Advocate, a/w. Mr.Sandeep Pathak, i/b.
Mr.Sugandh Deshmukh for the Petitioners.

Mr.S.D.Rayrikar, A.G.P. for the State – Respondent nos.1 to 3 and 38.

Mr.S.M.Gorwadkar, Senior Advocate, a/w. Mr.Ravi Shinde for the
Respondent nos. 4 to 36.

CORAM : R.D. DHANUKA, J.**DATE : 26th JULY, 2018****P.C.**

Mr.Anturkar, learned senior counsel for the petitioners on instruction seeks liberty to delete the names of the respondent nos. 37 and 39 from the cause title of the writ petition. Leave to amend is granted to delete the names of respondent nos. 37 and 39. Amendment to be carried out forthwith. Re-verification is dispensed with.

2. Heard learned senior counsel for the petitioners and learned senior counsel for the respondent nos. 4 to 36 and the learned A.G.P. for the respondent nos. 1 to 3 and 38.

3. By consent of the petitioners and respondent nos. 4 to 36, the

impugned order dated 27th October,2013 passed by the learned Sub-Divisional Officer, Bhore in Tenancy Appeal No.14 of 2013 is quashed and set aside. Tenancy Appeal No.14 of 2013 is restored to file.

4. The petitioners will be at liberty to apply for intervention in the application filed by the respondent nos. 4 to 36 *inter alia* praying for condonation of delay of 41 years in filing the said proceedings. Such application shall be filed within two weeks from today and shall serve a copy thereof upon the learned advocate for the respondent nos. 4 to 36 simultaneously.

5. The respondent nos. 4 to 36 will be at liberty to file affidavit to such application for intervention and to raise an issue of locus within one week from the date of service of the application for intervention and a copy thereof shall be served upon the petitioners' advocate simultaneously.

6. The learned Sub-Divisional Officer shall consider the said application including the issue of locus of the petitioners for seeking intervention in the said pendency proceedings filed by the respondent nos. 4 to 36 on its own merit after deciding the issue of locus without being influenced by the observations made and the conclusion drawn in the impugned order dated 27th October,2013.

7. If the intervention application of the petitioners is rejected by the learned Sub-Divisional Officer, he would not proceed with the proceedings filed by the respondent nos. 4 to 36 for a period of two

weeks from the date of communication of the said order.

8. It is made clear that this court has not expressed any views on the issue as to whether the petitioners will have locus to file an application for intervention or whether the respondent nos. 4 to 36 had made out a case for condonation of delay of 41 years or not. All such contentions including contentions on merits are kept open.

9. If any application for interim relief is made by the respondent nos. 4 to 36 before the learned Sub-Divisional Officer, the same shall be considered on its own merits.

10. The parties are directed to appear before the learned Sub-Divisional Officer on 27th August, 2018 at 11.00 a.m.

11. If the date and time fixed by this court is not convenient to the learned Sub-Divisional Officer, the learned Sub-Divisional Officer shall convey the earliest convenient date to the parties.

12. Writ petition is disposed of in the aforesaid terms. There shall be no order as to costs.

13. In view of the disposal of the Writ Petition No.10112 of 2014, Writ Petition No.6172 of 2014 filed by the petitioners does not survive and is accordingly disposed of.

[R.D. DHANUKA, J.]