

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

**CIVIL APPLICATION NO. 5609 OF 2019
IN
PUBLIC INTEREST LITIGATION NO.37 OF 2019**

Balaji @ Balasaheb s/o Bhimrao
Kadam and Anr.

..Applicants

VERSUS

Anandrao s/o Sambhaji Kadam
and others

..Respondents

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Mr. P.V.Mandlik, Senior Advocate for applicants;

Mr. B.S.Shinde, Advocate h/f. V.P.Latange, Advocate for
respondent no.1

Mrs A.V.Gondhalekar, AGP for respondent nos.2 to 4;

Mr. D.S.Manorkar, Advocate for respondent Nos.6 and 8

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**CORAM : PRASANNA B. VARALE &
R.G. AVACHAT, JJ.**

DATE : JULY 22, 2019

ORAL ORDER:

By the present application, the applicants pray
for intervention in Public Interest Litigation No. 37 of
2019.

2. At the outset, Mr.Mandlik, learned Senior Counsel for the applicants, prays for grant of leave to amend the application by placing on record a copy of the plaint and the order passed by learned Civil Judge, Junior Division, Kalamnuri, on 5th March, 2019, showing that the petitioner in Public Interest Litigation was a party/plaintiff no.3 to the proceedings filed before the learned Civil Judge, Junior Division, Kalamnuri.

3. The oral prayer for amendment of the application is allowed. Necessary amendment be carried out during the course of day.

4. Learned Senior Counsel for the applicants further submits that the petitioner in the Public Interest Litigation, is protecting his personal interest only. However, present applicants, who are lawful owners of the lands by way of certain notification and would be the beneficiaries, are before this Court to protect the larger public interest and to oppose the minimal personal interest of the petitioner in the Public Interest

Litigation. Learned Senior Counsel further submits that all the facts are not brought to the notice of this Court by the petitioner and if present applicants are permitted to intervene in the Public Interest Litigation, they would be in a position to bring all the necessary facts before this Court, so as to consider Public Interest Litigation in its proper perspective.

5. Learned Counsel for the petitioner in the Public Interest Litigation, is not opposing intervention application.

6. The Civil Application is, therefore, allowed in terms of prayer clause (A). Necessary amendment be carried within one week.

7. Post public Interest Litigation for further consideration after two weeks.

[R.G. AVACHAT, J.]

kbp

[PRASANNA B. VARALE, J.]