

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO.4 OF 2019

Mirza Imran Ahemad Beg

PETITIONER

VERSUS

The State of Maharashtra and others

RESPONDENTS

.....
Mr. N.L. Jadhav, Advocate for the petitioner
Mr. M.M. Nerlikar, A.G.P. for the respondent/State
.....

**CORAM: PRADEEP NANDRAJOG, CJ &
R.G. AVACHAT, J.**

DATE : 27.09.2019

PER COURT :

1] As per the petitioner, the 4th Respondent is working as a Tracer under the Municipal Council, Beed and therefore, petitioner states that he is in a position to influence the officers of the Municipal Council, Beed and as a result, to protect the encroachment made by him on the road abutting house No.1-8-262 on which, while effecting a construction, the 4th

Respondent encroached upon the road he has stalled his removal from the road.

2] From the documents filed along with the Public Interest Litigation, it is apparent that the Municipal Council, Beed issued notice to the 4th Respondent to remove the encroachment from the road who filed a suit registered as R.C.S. No.511/2016 in the Court of Civil Judge, Junior Division, Beed. In the suit, he filed an application for interim relief and obtained an order requiring status quo to be maintained as of 25th July, 2016.

3] The allegations in the petition are that officers of the Municipal Council, Beed are being influenced by the 4th respondent and are not defending the suit instituted by respondent No.4, since the issue relates to encroachment on a road, the inhabitants of the area having a right to use the road, while disposing of the Petition, we direct that upon the petitioner seeking intervention in the suit for being impleaded as a proper party, the learned Judge seized of R.C.S. No. 511/2016 shall allow impleadment and the petitioner would be permitted to defend the public cause in the suit filed by pleading that the encroachment has been

made on the road.

4] No costs.

(R.G. AVACHAT, J.)

CHIEF JUSTICE

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