

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.432 OF 2015
IN
WRIT PETITION NO.9269 OF 2014
WITH
WRIT PETITION NO.9269 OF 2014**

Sultan Uma Tiwade and Ors. ...Applicants

In the matter between

1.Yogini V. Jagadale and Anr. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

.....

Mr. Ranjeet Patil for the Applicants in CAW/432/2015.

Mr. Sameer Pandit with Mr. Jigar Parmar i/b. M/s. Wadia Ghandy and Co. for the Petitioners in WP/9269/2014.

Mr. Rahul S. Kulkarni for the Respondent No.6.

Mr. Sachin H. Kankal, AGP for the Respondent Nos.1 to 5.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 11th JANUARY, 2019.

P.C.:-

By this application, the Applicants have sought leave to implead them as party Respondents to the writ petition.

2. Heard the learned counsel for the respective parties. The dispute in the present petition is in respect of Gut No.277, which was allotted to one Uma B. Tiwde as per the Mutation Entry No.620.

Pursuant to order dated 5.9.2008 names of the 25 other persons came to be recorded in survey records holding that land was allotted to Uma Babaji Tiwde not in her individual capacity but as a leader of Harijan Samaj. The Applicants herein had challenged the said order before the Divisional Commissioner and aggrieved by the order of the Divisional Commissioner they had filed revision before the learned Minister. The learned counsel for the Applicants submits that said revision is still pending adjudication.

3. It appears that the Petitioners herein has purchased part of the property from Gut No.277 from 9 persons, whose names are recorded in survey records. Whereas Respondent No.6 has purchased the entire property from all the 25 persons, whose names are recorded pursuant to the order dated 5.9.2008. The Applicants, who claim to be the legal representatives of Uma Babaji Tiwade and Balu Babaji Tiwade have filed the civil suit before the Civil Judge, Senior Division, Jaisinghpur seeking declaration that they are the owners of the property. They have also challenged the sale deed executed in favour of the Petitioners.

4. The issue in the writ petition relates to the mutation entry

of Gat No.277 of village Jainapur. The Applicants, who are legal representatives of Uma Babaji Tiwade, are claiming right over the said property alleging that the property was allotted to Uma Babaji Tiwade in her individual capacity. Considering all these facts, in my considered view the Applicants are necessary and proper parties and hence, they are required to be heard in deciding the writ petition.

5. Under the circumstances, the application is allowed. The Applicants be impleaded as party Respondent Nos.7 to 14. Cause title be amended accordingly.

6. Mr. Ranjit Patil waives service on behalf of the Respondent Nos.7 to 14. The learned counsel for the Petitioners to furnish copy of the Petition to the Respondent Nos.7 to 14.

7. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)