

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

62. CIVIL APPLICATION No. 836 of 20120

IN

WRIT PETITION No. 221 of 2016

Satish Francis Jadhav and others :

...Applicants.

VERSUS

Janardhan Kamlakar Navale and others

...Respondents

Mr. S.V. Deshmukh, Advocate applicants

Mr. A.N. Nagargoje, Advocate for respondents No. 2 to 6

Mr. S.K. Tambe, Asstt. Govt. Pleader for Respts. No. 7 to 10

CORAM : ROHIT B. DEO, J.

DATE : 22nd January, 2020

PER COURT :

1. This application is taken out by respondents No. 10 to 17 in Writ Petition No. 221 of 2016, who apprehend that petitioner Janardhan Kamalakar Nawale may withdraw the writ petition and therefore, they seek their transposition as petitioners in the writ petition.

2. The applicants have purchased the property from the petitioners.

3. The learned Counsel for respondents No.5 to 9 in W.P. 221/2016 (respondents No. 2 to 6 in C.A. No. 836/2020) is right in the submission that the applicants did not challenge the order of the

Commissioner before the State Government, which they could have done. However, if this petition is dismissed in default or if the petition is withdrawn, the applicants shall be seriously prejudiced.

4. In this view of the matter, while I am not inclined to consider the application for the transposition at this stage, it is made clear that Writ Petition No. 221 of 2016 shall be decided on merits. The writ petition shall not be dismissed in default nor shall the petitioner be permitted to withdraw the petition.

5. The application is disposed of.

6. List Writ Petition No. 221 of 2016 on the Admission Board in Urgent Category on 29th January 2020.

(ROHIT B. DEO)
JUDGE

Madkar