

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2192 OF 2021
IN
WRIT PETITION NO. 7372 OF 2018**

Foton Motors Manufacturing India Private LimitedIntervenor
(Proposed Respondent)

In the matter between :

Baban Dhondiba Badhale and ors.Petitioners

Versus

The State of Maharashtra and ors.Respondents

Mr. Anil Sakhare, senior advocate along with Mr. Kunal Damle, advocate for the intervenor/applicant.

Mr. R. S. Apte, senior advocate along with Mr. S. C. Wakankar, advocate for the petitioners.

Ms. R. M. Shinde, AGP for respondent Nos.1 and 2.

Dr. Milind Sathe, senior advocate along with Mr. Ramesh Dubepatil, Mr. Ashish Gabhale and Mr. Rishikesh Sable i/b. Jay and Co., advocate for respondent No.3-MIDC.

**CORAM : PRASANNA B. VARALE &
N. R. BORKAR, JJ.**

DATE : 6th SEPTEMBER, 2021.

P.C. :

1. This is an application for intervention filed by Foton Motors Manufacturing India Private Limited, the proposed respondent.

2. In writ petition No.7372 of 2018, prayers are made in respect

of land bearing Gat No.114, Mindewadi, Tal.Maval, Dist. Pune. Perusal of the prayers show that the petitioners have raised a grievance to the acquisition process initiated at the instance of the respondent authorities.

3. The learned counsel for the intervenor has invited our attention to the order passed by the Division Bench of this Court dated 23rd February, 2021, whereby the parties are directed to maintain status-quo as on 23rd February, 2021, in respect of the subject property. It is not in dispute that the interim order continues till date.

4. It is the submission of learned counsel appearing for the intervenor that the land in Chakan Industrial area was allotted to the applicant vide allotment order dated 30th December, 2011. It was submitted by learned counsel appearing for the intervenor that out of the land allotted to the applicant in Chakan area, certain part of it was surrendered and in lieu thereof subject land came to be allotted to the applicant. Reference is made to the sequence of events as well as other factual aspects viz. payment of amount towards premium etc. in the application. It may not be necessary for us to refer to all those details at this stage. Suffice it to say that it is the case of the applicant that by complying necessary formalities, the applicant has initiated the process of developing the subject property and the applicant had to stop

developmental activities in view of the interim order passed by this Court. Thus, it is the submission of learned counsel appearing for the applicant that the applicant is a necessary party to the petition.

5. Dr. Sathe, learned senior counsel appearing for respondent No.3 - MIDC, supports the contention raised on behalf of the applicant.

6. The learned counsel for the petitioner submits that the applicant may be permitted to intervene in the proceedings by keeping all rights and contentions of the parties open.

7. Accordingly, the application is allowed in terms of prayer clause (a) which is reproduced herein below :

“(a) The Hon’ble Court be pleased to allow the Applicant to intervene in the present petition and be pleased to direct the Petitioners to join the Applicant as party Respondent.”

The petitioner is permitted to carry out necessary amendment in the petition within one week from today.

8. Needless to state that prayer (b) will be considered at the stage of admission of the petition.

9. Needless to state that all the contentions are kept open.
10. Post the above petition for admission along with other writ petition Nos. 7093, 7370 and 7371 of 2018 on 30th September, 2021.

(N. R. BORKAR, J.)

(PRASANNA B. VARALE, J.)