

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6973 OF 2022

Mazhar Khan S/o. Sher Khan

...Petitioner

Versus

Deputy Director of Land Record & Others

...Respondents

.....

Mr. Ashutosh S. Kulkarni, Advocate for the petitioner.

Mr. S.N. Kendre, AGP for respondent - State

Mr. T.M.H. Shaikh, Advocate for Respondent No. 3.

Mr. Vakil Afzal Husain M for Respondent No. 4 to 9.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 16th SEPTEMBER, 2022

ORDER :

1. The petitioner is aggrieved by the order passed by the Deputy Superintendent of Land Record, Aurangabad, dated 10.10.2019, thereby allowing intervention application of respondents No. 4 to 9 in appeal filed by respondent no. 3, challenging the entry in PR card of the petitioner. Said decision was challenged by the petitioner by filing revision which is dismissed by respondent No. 1.

2. I have given due consideration to the rival submissions of the learned advocates for the respective parties. Perused the impugned order.

3. It is not in dispute that in appeal filed by respondent No. 3, present petitioner is respondent No. 1. In the said appeal intervention application is filed by respondents No. 4 to 9 contending that the property in dispute i.e. Survey No. 1, admeasuring 3 Acre 11 Ghunta, is their ancestral property, therefore, they have interest in the matter. It is also not in dispute that the appeal preferred by respondent No. 3 challenging PR card entry in favour of the petitioner in respect of City Survey No. 11583 is situated in Survey No. 1, which respondents No. 4 to 9 claimed to be their ancestral property. In that view of the matter, this Court is of the opinion that no fault can be found with the order passed by respondent No. 1, thereby allowing intervention application of respondents No. 4 to 9.

4. The learned advocate for the petitioner strenuously submitted that in fact the respondents no. 4 to 9 have no right to intervene in the proceeding and they may avail remedy as permissible in law.

The learned advocate the petitioner may raise this contention in the pending appeal.

5. At this stage, this Court finds no reason to interfere in the order impugned in the present petition. The writ petition is therefore dismissed.

6. All the contentions of the respective parties are kept open.

[NITIN B. SURYAWANSHI, J.]