

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.877 OF 2022

GAUTAM KISHAN MISAL
VERSUS
SHESHERAO LAXMAN KHADE AND OTHERS

...
Advocate for Petitioner : Mr. Subhash Nade

.....
[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 5th APRIL, 2022

ORDER :

1. The petitioner is aggrieved by the order passed by Joint Civil Judge Junior Division, Majalgaon, below Exhibit-20 in Regular Civil Suit No. 74/2021 thereby allowing the application of the respondent filed under Order I Rule 10 for adding them as party defendants in the suit filed by the petitioner.

2. The petitioner has filed suit seeking injunction against the village panchayat, not to disturb his peaceful possession of the suit property which the petitioner claims to have been allotted to him under 'Ramai Awas Yojna'. The interim injunction is also granted in favour of the petitioner.

3. The respondents no. 3 to 13 filed application Exhibit-20 in the said suit claiming that the petitioner has encroached on the property which is reserved for development of the village and the village panchayat has no authority to pass a resolution thereby allotting the suit property to the petitioner. According to them, the petitioner has filed incorrect documents showing allotment of the suit property to them. They claimed to be project affected persons and in the suit property interest of the entire village is involved. They, therefore, prayed for adding them as defendants in the suit.

4. The application was resisted by the petitioner, however, the trial Court has allowed the same. The trial Court has held that though, the respondents No. 3 to 13 have no direct interest with the suit property, however, since the suit property is reserved for development of the village, the respondents no. 3 to 13 have interest in the same. In that view of the matter, the trial Court allowed the application and directed the petitioner to add them as defendants.

5. From perusal of documents placed on record, admittedly

the suit land is reserved for development of the village and villagers since have interest in the same, no fault can be found with the order passed by the trial Court. There is no prejudice caused to the petitioner by adding the respondents no. 3 to 13 as party defendants. The petitioner has failed to make out a case for interference in the impugned order in the extra ordinary writ jurisdiction. The writ petition is, therefore, dismissed.

[NITIN B. SURYAWANSHI]
JUDGE