

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

**INTERIM APPLICATION NO. 10301 OF 2022**

**in**

**WRIT PETITION NO. 7246 OF 2022**

Nandakumar Raghunath Vartak and ors. ....Applicants/  
Intervenors

In the matter of :

Dr. Avimay Sohrab Hakim ....Petitioner

**Versus**

Lonavala Municipal Council ....Respondent

with

**INTERIM APPLICATION STAMP NO. 16949 OF 2022**

**in**

**WRIT PETITION NO. 7246 OF 2022**

Sanjay Kalyanmnal Singhvi and ors. ....Applicants/  
Intervenors

In the matter of :

Dr. Avimay Sohrab Hakim ....Petitioner

**Versus**

Lonavala Municipal Council ....Respondent

Mr. Nitesh Nevshe i/b. Ms.Vidula N. Vartak, Advocate for the Applicants  
in Interim Application No. 10301 of 2022.

Mr. Ghanshyam R. Thombare, Advocate for the Applicants in Interim  
Application Stamp No. 16949 of 2022.

Mr. Anil Anturkar, Senior Advocate with Mr. Ankit Lohia and Mr.Sameer  
Panwalkar i/b. L R and Associates, Advocates for the Petitioner.

Mr. Aniruddha A. Garge, Advocate for Respondent.

**CORAM : PRASANNA B. VARALE &  
SHRIKANT D. KULKARNI, JJ.**

**DATE : 14<sup>th</sup> JULY, 2022.**

**P.C. :**

**1.** The applicants in both the above interim applications submit  
that they are the owners and occupiers of the adjacent plots viz. Suvery

No.54/2(C.T.S.No.7), and C.T.S.No.13B (R.S.No.53A Part) and C.T.S.No.11 (R.S.No.160) respectively. They have approach road passing through the plot occupied by the petitioner i.e. Survey No.53 (C.T.S.9), which is the subject matter of writ petition No.7246 of 2022.

2. Mr. Anturkar, learned senior counsel appearing on behalf of the petitioner vehemently opposes the applications. The first limb of submission of Mr. Anturkar is that the petitioner is the owner and occupier of the said plot in Survey No.53 and reference is made to proposed road. It is also vehemently submitted by Mr. Anturkar that at no point of time, the public road was in existence in the property of the petitioner. Mr. Anturkar submitted that Lonavala Municipal Council is under an erroneous impression that the petitioner erected some construction over the public road, which is an entirely fallacious presumption. Mr. Anturkar submitted that the proposed road in the plan cannot be treated as an existing public road and if the respondent – Council is desirous of converting this proposed road into a public road, the respondent – Council will have to take necessary steps as per the provisions of law. Mr. Anturkar also submitted before this Court that the petitioner had approached the Civil Court by filing regular civil suit and the said suit is decreed with costs. A copy of the judgment and order passed by learned Civil Judge, J.D. Vadgaon, Maval, is placed on record at Exhibit 'M', page 83.

3. In view of the above facts, we are unable to accept the submission of the applicants for permitting them to intervene in the petition. Both the interim applications are, accordingly, dismissed as rejected.

4. We further make it clear that if the applicants are desirous of availing other remedies as available under law in the backdrop of the submission that they are lawful owners and occupiers of certain property, they may approach the competent forum including the Civil Court, if so advised.

**(SHRIKANT D. KULKARNI, J.)**

**(PRASANNA B. VARALE, J.)**