

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

CIVIL APPLICATION (W) NO. 1441/2022 IN WRIT PETITION NO. 7431/2019

(M/S LALITA DEVELOPERS **VERSUS** STATE OF MAHARASHTRA & ANOTHER)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri M.M. Agnihotri, counsel for the petitioner.
Shri D.P. Thakare, Additional Government Pleader for the respondent no.1.
Shri G.A. Kunte, counsel for the respondent nos.2 and 3.
Shri Masood Shareef, counsel for the applicant in CAW No. 1441/2022.
Shri K.R. Lule, counsel for the applicants in CAW 1552/2022.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : OCTOBER 06, 2022.

The applicant seeks to intervene in the present proceedings by urging that on 16.02.1987 the applicant-Society purchased the agricultural land admeasuring 1 Hectare 37 R. This land was subsequently permitted to be used for non-agricultural purpose by the order dated 12.08.1988. According to the applicant-Society, the layout in question is unauthorized which comprises of about 59 plots which are not yet regularized. Since the applicant-Society claims ownership of the aforesaid land, it seeks permission to intervene in the present writ petition.

In the reply filed on behalf of the petitioner reference is made to a consent-deed dated 05.07.2011 which has been executed by the applicant-Society in favour of the petitioner. As per the said registered document the rights insofar as 52 plots are concerned are recognized to have been transferred by executing various sale-deeds by the members of the Society in favour of the petitioner. It is further stated that this consent-deed has not been challenged till today and hence its validity cannot be questioned by intervening in the present writ petition.

In the writ petition the petitioner has sought a relief of compensation towards acquisition of its land in Khasra Nos.11/3 and 11/4 alongwith interest. We find from the registered document which is a consent-deed dated 05.07.2011 that the applicant-Society itself has transferred its rights with regard to 52 plots in favour fo the petitioner. In that view of the matter, we do not find that the presence of the applicant-Society is necessary so as to permit it to intervene in the present proceedings. The applicant-Society is free to take legal recourse to seek determination of its own rights in accordance with law. Hence, Civil Application (W) No.1441 of 2022 is rejected.

CIVIL APPLICATION (W) NO. 1552/2022.

The applicants claim interest in seven plots out of total 59 plots from Khasra Nos.11/3 and 11/4 and thus seek permission to intervene in the writ petition.

In the reply filed on behalf of the petitioner it has been stated that the seven plots with which the applicants are concerned were not purchased by it and it is only concerned with 52 plots in terms of the registered consent-deed dated 05.07.2011.

In view of the statements made in the reply filed on behalf of the petitioner, we do not find any reason for the applicants to intervene in the writ petition. The civil application is therefore rejected.

WRIT PETITION NO. 7431/2019.

Put up for further consideration on 21.10.2022.

(URMILA JOSHI-PHALKE, J.)

(A. S. CHANDURKAR, J.)

APTE