

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

CIVIL APPLICATION (W) NO. 2240/2022

IN

WRIT PETITION NO. 5209/2019

M/s. Mukesh Infrastructures and Ors. Vs. State of Maharashtra and Ors.

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

Court's or Judge's order

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Mr. P V. Vaidya, Advocate for Petitioners.
Mrs. S. S. Jachak, Assistant Government Pleader for Respondent(s)/State.
Mr. A. S. Mehadia, Advocate for Respondent No.2.
Mr. A. S. Gedam, Advocate for Intervenor.
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CORAM : A.S.CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.
DATED : OCTOBER 07, 2022

1. By this application, the applicants seek permission to intervene in the present proceedings on the ground that despite being entitled to the rehabilitation, they are being forcibly evicted from the area occupied by them. In that regard, petitioners seek to rely upon various documents as well as the order passed in Writ Petition No.5303/2006.

2. We find that pursuant to the order dated 17.08.2022, the Nagpur Municipal Corporation was granted time of eight weeks to remove the encroachment in question. It is submitted by the learned counsel for the respondent No.2 that in view of this direction, the encroachment in question is being removed.

3. We find that in the Writ Petition, petitioners seek removal of encroachment in front of plot No.4 with which the petitioners are concerned. The applicants seeking

intervention intend to raise a grievance that they have not been rehabilitated. In the present proceedings, that question cannot be adjudicated. It would be necessary for the applicants to initiate appropriate proceedings if they desire to seek the relief of rehabilitation.

4. In that view of the matter, we are not inclined to consider the prayer for grant of permission to intervene in the present proceedings.

5. With liberty to the applicants to take appropriate steps to seek redressal of their grievances, the application is disposed of.

CIVIL APPLICATION (O) NO. 774/2022

. With the disposal of Civil Application (W) No.2240/2022, this Civil Application also stands disposed of.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

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