

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

WRIT PETITION NO. 240 OF 2022

Mahsul Karmachari Sanghatna,
Gadchiroli Zilla Shakha, Gadchiroli,
through its President Sudhakar
Kawaduji Bawane, Aged 60 years,
Occupation – Retired,
R/o Bhamragad, Tahsil – Bhamragad,
District Gadchiroli.

.... **PETITIONER**

VERSUS

- 1) State of Maharashtra,
through Collector, Gadchiroli.
- 2) Additional Commissioner,
Nagpur Division, Nagpur.

.... **RESPONDENTS**

Mr. A.A. Dhawas, Counsel for the petitioner,
Mr. D.P. Thakre, Addl.G.P. for the respondents.

CORAM : ROHIT B. DEO, J.
DATED : 14th JANUARY, 2022

ORAL JUDGMENT :

Heard. **Rule.** With consent, the petition is finally heard.

2. The plaintiff claims to be an association of the employees of the Revenue Department.

3. The plaintiff has preferred Regular Civil Suit 35/2013 seeking declaration that the order rendered by the State Government on 20-4-2013 whereby the allocation of Government land in favour of the plaintiff is cancelled, is void.

4. According to the plaintiff, vide order dated 26-5-2003 the State Government allotted land admeasuring 0.34 hectare forming part or portion of Survey 96/1 at Rampur, Gadchiroli.

5. At the stage of final argument, the plaintiff preferred an application dated 23-10-2021 seeking leave to amend the plaint.

6. In view of the mandate of the proviso to Order VI Rule 17 of the Civil Procedure Code, the plaintiff sought to justify the delay with assertion that the relevant documents pertaining to the facts in proposed amendment are received from the office of the Tahsildar, Gadchiroli on 24-9-2021.

7. I note from the proposed amendment, that every averment sought to be incorporated pertains to the alleged grant of plot for residential purpose in favour of Bhaskar Kashiram Raut. The proposed amendment refers to the said plot as Plot 8 from Survey 848,

admeasuring 175 square meters. It is absolutely unclear how and why the said reference is relevant. It appears that the only purpose was to prejudice the Court since the plaintiff makes a sweeping statement that if the State Government were to be concerned about legal provisions, the grant to said Bhaskar Kashiram Raut also ought to have been reviewed.

8. Be that as it may, I am satisfied that there is absolutely no *bona fides* in the application. Apart from the fact that it is not shown that which due diligence the so called relevant facts could not have been brought on record before the commencement of the trial, even reading the proposed amendment, the same is absolutely unnecessary for the adjudication of the controversy.

9. The petition is dismissed.

JUDGE

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