

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO.35 OF 2023

**SAYYAD NAYUM SAYYAD MUSA
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS**

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Mr. P D. Bachate, Advocate for Petitioners

Mr. S. K. Tambe, AGP for the Respondents/State

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 08.06.2023.

PER COURT :-

1. We have considered the submissions of Shri Bachate, the learned Advocate appearing on behalf of the Petitioners. With his assistance, we have gone through the petition paper-book and the cause that is sought to be espoused.

2. The Petitioners intend to convey to us that their desire is to protect the Gairan land situated in Gut No.105, Hingoli, Taluka and District Hingoli. They are aggrieved that the person who was allocated the portion of that land, has indulged in creating third party interests. On deeper scrutiny of this Public Interest Litigation paper book, we have noticed that the person

who is alleged to have created third party interest, was before this Court in Writ Petition No.4179 of 2010. By an order dated 26.09.2013, we have directed the Revenue Authorities to look into the issue of the use of the Gairan land.

3. A proceeding is already pending before the Revenue Authorities at the behest of another individual with regard to the same Gairan land. The Petitioners pray that, they be granted an opportunity of hearing and contest the review proceedings, which are pending before the Deputy Collector since 2018.

4. In such facts and circumstances, we do not find that any public cause is taken up in this petition and more so, when the same Gairan land Gut No.105 is already subject matter of litigation before the various Revenue Authorities. In a Public Interest Litigation, we cannot permit the Petitioners to participate in judicial or quasi judicial proceedings pending before the Revenue Authorities, to which the Petitioners are not party.

5. In view of the above, this petition is dismissed.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS