

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

941 CIVIL APPLICATION NO.7160 OF 2023
IN WP/3681/2023

SAI MALHAR HAMAL MATHADI KAMGAR SAHKARI SANSTHA
MARIYADIT NASHIK THROUGH ITS CHAIRMAN
VERSUS

THE STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY
AND OTHERS

Advocate for Applicant: Ms. Namita P. Thole h/for Mr. Sanket S.Kulkarni
AGP for Respondents State: Mr. S. B.Yawalkar
Advocate for Respondents/Petitioner in WP : Mr. R.L. Kute

CORAM : RAVINDRA V. GHUGE, &
Y. G. KHOBRAGADE, JJ.

DATE : 16th June, 2023

ORDER:

1. It is contended that the Applicant is the district level society of the Mathadi workers who performs the work of loading and unloading of food grains and similar articles in various Government godowns. It is registered under the Maharashtra Cooperative Societies Act. It has experience of more than 20 years in the field and participates in response to various tenders floated by the State Government and Central Government.

2. It is further contended that the Petitioner has challenged Clauses 2, 3, and 4 of the Government Resolution dated 06.03.2023 in Writ Petition No. 3681/2023. A decision in the said petition would have an impact over the entire State since the Government Resolution is applicable to the whole State. Without participation of the Applicant, if the writ petition is favourably entertained, it would directly affect the rights of the Applicant and that too without hearing the Applicant. It is,

therefore, contended that participation of the Applicant in the writ petition is necessary considering that its interest would be impacted by a decision in the said writ petition.

3. The learned Advocate for the Petitioner has opposed the application on the ground that the Petitioner is not seeking any relief against the Applicant. The Applicant is a beneficiary of the said Government Resolution and therefore, will always oppose the petition .

4. We are of the view that if a decision in the writ petition is likely to affect the rights of the Applicant, it would be appropriate to permit the Applicant to participate in the said proceedings. The least that could happen is that a decision in the petition may not apply to the Applicant. However if the decision is such that it would affect the rights of the Applicant, it would be pragmatic to permit the Applicant to participate in the proceedings.

5. In view of the above, **the civil application is allowed.**

6. The Petitioner shall array the Applicant as Respondent No.5 in the writ petition. Addition be carried out forthwith. The learned Advocate for the Applicant waives service of notice on behalf of Respondent 5.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan