

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 30317 OF 2022
IN
WRIT PETITION NO. 16090 OF 2022**

Vinayak Mahpati Khendad and Anr. ..Applicants

V/s.

The State of Maharashtra, thr.

Secretary, Soil and Water Conservation
and Ors.

..Respondents

Mrs. Neha Kachi i/b Talekar and Asso. for the Applicants.

Mr. P.P. Kakade, G.P. a/w S.B. Kalel, AGP for the Respondent/
State.

Mr. A.S. Khandeparkar a/w Niranjana Shimpi for Respondent
No.7/UOI.

**CORAM : R.D.DHANUKA, AND
M.M.SATHAYE, JJ.**

DATE : 11th JANUARY 2023

P.C.

. By this application, the Applicants seek amendment in the Writ Petition in terms of draft amendment appended to the Interim Application. Writ petition is not yet admitted. We are inclined to permit the Applicants to carryout the amendment in terms of draft amendment appended in the Interim Application.

2. Interim Application is accordingly made absolute in terms of prayer clause (a).
3. Amendment to be carried out within one week from today.
4. Amendment shall be also carried out and copy be supplied to the Respondents within one week from the date of carrying out amendment. It is made clear that merely because amendment is permitted, the Respondents are not deemed to have admitted any of the contentions raised in the amendment.
5. The learned Additional Government Pleader waives service for Respondent Nos. 1 to 6 in the Writ Petition.
6. Mr. Khandeparkar, waives service for Respondent No.7.
7. If any instructions are received by the learned AGP to appear also for Respondent No.8, office should be informed accordingly within one week from today.
8. If the learned AGP has no instructions to appear for Respondent No.8, issue notice to Respondent No.8, returnable on 13.02.2023. Hamdast is permitted.

9. In addition to the Court notice, the Applicants are also permitted to serve Respondent No. 8 by private notice, by all permissible modes of services available in law.
10. Affidavit-in-reply by the Respondent Nos. 1 to 6 and 7 to be filed within two weeks from today with a copy to be served upon the Petitioners' advocate simultaneously.
11. Respondent No.8 to file Affidavit-in-Reply within two weeks from the date of service of papers and proceedings.
12. Rejoinder, if any, to be filed within one week thereafter with a copy to be served upon the Respondents' advocate simultaneously.
13. Interim Application is disposed off accordingly.

M.M.SATHAYE, J.

R.D.DHANUKA, J.