

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 13399 OF 2023
IN
WRIT PETITION NO. 8681 OF 2023
WITH
WRIT PETITION NO. 8681 OF 2023

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Eknath Baburao Mandhare (since deceased) .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. Y. B. Lengare a/w Aditya Gaikwad *for the Petitioner.*

Mr.M. S. Bane, AGP *for the State.*

CORAM : B. P. COLABAWALLA &
M.M. SATHAYE, JJ.
DATE : JULY 18, 2023

P. C.

1. The above Interim Application is filed seeking amendments of the Writ Petition in terms of **Exhibit-A** to the Interim Application. The amendments sought are to bring certain subsequent developments on record. In other words, what is sought to be brought on record are developments that have occurred after the filing of the above Writ Petition.

2. Considering these facts, we do not see any impediment in allowing the Interim Application in terms of prayer clause (a) which reads thus:

*“a) That this Hon’ble Court be pleased to grant leave to amend the Writ Petition St. No. 12062 of 2023 and Applicants be permitted to amend the Writ Petition in terms of Schedule of Amendment annexed as **Exhibit- “A”** of this Application;”*

3. The amendments shall be carried out within a period of one week from today and the amended copy of the Petition shall be served on all the Respondents including the newly added Respondents within a period of one week thereafter.

4. The learned Advocate appearing for the Petitioner submitted that in light of these subsequent developments, there is a serious apprehension that even though his land [being new Gat No. 1655/2 [admeasuring 61 Are], Old Gat No. 2131/part, in Village Shikrapur, Tal-Shirur, Dist. Pune] is not the subject matter of acquisition, because the same is wrongly included in a map prepared by the Respondent Authorities, the State may decide to dispossess him from his land.

5. Considering that the amendment has just been allowed, we direct that till the next date fixed for the above Writ Petition, the Respondent Authorities shall not dispossess the Petitioner from his land described above, if not already dispossessed.

6. The above Interim Application is accordingly disposed of. No order as to costs.

7. Place the above Writ Petition on board on 8th August, 2023.

8. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M.M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]