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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

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INTERIM APPLICATION NO.30790 OF 2022
IN
WRIT PETITION NO.15156 OF 2022

H.E.H. Mukarram J. Bahadur,
Nazim VIII of Hyderabad & Anr.

...Applicants

IN THE MATER BETWEEN :

Harbell Hotels Pvt. Ltd.

...Petitioner

V/s.

State of Maharashtra & Ors.

...Respondents

Mr.Pratap V. Patil with Mr.Shyamsunder Solanke for the Petitioner.

Mr.Prakash Nichani with Mr.Vikas Kumbhar i/b Smt.Nirmala Bhosale
for the Applicants in IA.

Mr.A.I. Patel, Addl. G.P. for the State – Respondent.

CORAM : R.D. DHANUKA &
M.M. SATHAYE , JJ.
DATE : 7TH JANUARY, 2023.

P.C. :-

1. By this Interim Application, the Applicants seek impleadment as party respondents in Writ Petition No.15156 of 2022 and seek an enquiry into the alleged illegal acts committed by the petitioner.

2. It is the case of the applicants that, the original petitioner

claims to be the power of attorney of the Applicant no.1 vide power of attorney dated 27th December, 1990, which is fabricated according to the applicants. The Applicants claim to be the co-owners of the writ property.

3. Mr.Nichani, learned counsel for the applicants vehemently urged that the petitioner could not have relied upon such power of attorney, which was fabricated according to the applicants and thus this Court could not have passed any order in favour of the petitioner, for handing over possession, by issuing the directions to the Collector.

4. The original petitioner had filed the Petition *inter-alia* praying for a writ of ceriorari for quashing and setting aside the order dated 2nd December, 2022 and for an order and direction against the respondent nos.2 to 5 to restore possession of the writ property described in prayer clause (b) of the petition. This Court after hearing the parties to the petition had observed that the impugned action on the part of the Collector was in gross violation of Section 53 of Maharashtra Land Revenue Code and accordingly directed the respondent no.2 to hand over possession of the writ property to the petitioner at that stage. The Collector had called upon the petitioner to hand over possession of the writ property and had sealed the premises *ex-parte* without fixing any fresh date of hearing. We are

informed that the Respondent no.2 - Collector has handed over possession of the writ property to the petitioner. The respondent no.2 - Collector who is also a party, in compliance with the said order dated 8th December, 2022, is likely to pass order in near future.

5. It is made clear that this Court has not decided right, title and/or interest, if any, of the petitioner in the writ petition while passing the order dated 8th December, 2022. The applicants who claim to be the co-owners of the writ property cannot be allowed intervention in this petition or seek to recall of the order passed by this Court.

6. The writ petition is already disposed of by this Court. This Court cannot decide the rival claims of the applicants in respect of the writ property against the original petitioner. The Interim Application is thoroughly misconceived and is dismissed with costs of Rs.50,000/- which shall be paid by the applicants to the Maharashtra Legal Services Authority within one week from today.

(M.M. SATHAYE , J.)

(R.D. DHANUKA, J.)