

Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 3115 OF 2023
IN
WRIT PETITION (L) NO. 787 OF 2023

Eknath R Khamapurkar & Ors	...Applicants
<i>In the matter between</i>	
Vinayak Enterprises	...Petitioner
<i>Versus</i>	
The Principal Secretary Housing Department & Ors	...Respondents

Mr Simil Purohit, *with Shivangi Dixit, Bijal Parikh, i/b, Vis Legis Law Practice, for the Applicants.*

Mr Assem Naphade, *with Sanjiv Sawant, Bhakti Wast, i/b, Samir Suryawanshi, for the Original Petitioner.*

Mr SB Gore, AGP, *with Uma Palsuledesai, AGP, for the Respondent-State.*

Mr PG Lad, *with Sayli Apte, for the Respondent-MHADA.*

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**CORAM G.S. Patel &
 Kamal Khata, JJ.**
DATED: 5th October 2023

PC:-

1. This Interim Application is filed by 52 Applicants who seek intervention. Their case, as compactly presented by Mr Purohit, is that the Petitioners through two persons, one Ghanshyam

Yashwant Raut and Rajesh Namdev Koyle, wrongly and without authority portrayed themselves as Chief Promoters of the society and having done so, appointed a real estate development enterprise of their choice, the Petitioner, to undertake the project. These contentions are of course disputed by Mr Naphade for the Petitioner.

2. Nonetheless, it appears to us necessary to allow the intervention because the nature of the grievance by the applicants is about the locus of the Petitioner, the maintainability of the Petition and whether the Petitioner is entitled to the reliefs in the first place.

3. Since there are 52 individuals who are applicants, it would be too cumbersome to direct an impleadment of all of them. Later complications may also result. For this reason, we permit the intervention, but we clarify that the intervenors will be able to oppose the Petition on all counts including maintainability. The applicants/intervenors will not be able to claim substantive reliefs against any of the existing Respondents and are at liberty to file their own Petition for such appropriate reliefs as they may be advised.

4. The Interim Application for intervention is allowed in these terms. We permit the intervenors to file an Affidavit in Reply to the Petition. This is to be filed and served by 18th October 2023. A Rejoinder is permitted to by 25th October 2023. Similarly the Affidavit in Reply by MHADA is to be filed and served by 18th October 2023.

5. List the matter on 1st November 2023.
6. Previous ad interim or interim orders, if any, to continue until the next date.

(Kamal Khata, J)

(G. S. Patel, J)