

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.271/2023

Muslim Samaj Bahu Uddeshiya Sanstha, Through its Trustee/Vice President
Firoz Khan s/o Sardar Khan

...Versus...

Akola Municipal Corporation Through its Commissioner, Akola and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri S.A. Mohta, Advocate for petitioner
Shri Amol Deshpande, Advocate for respondent no.1
Mrs. M.A. Barabde, AGP for respondent nos.2 and 3

CORAM : AVINASH G. GHAROTE, J.

DATE : 21/02/2023

1. Heard S.A. Mohta, learned counsel for the petitioner, Shri Amol Deshpande, learned counsel for the respondent no.1 and Mrs. M.A. Barabde, learned Assistant Government Pleader for the respondent nos.2 and 3.

2. The petition challenges the order dated 16/11/2022, whereby the application filed by the petitioner to intervene in appeal before the Commissioner has been rejected. The petitioner claims himself to be a whistle-blower regarding the illegalities committed by the authorities in allotting the land of plot no.81 which is being used now for the purpose of running an open air theater. Upon the complaint made by the petitioner, the Collector, having taken cognizance of the same, by his order dated 27/05/2022 has cancelled the allotment, the

appeal there against is now pending before the Commissioner, in which, the application for intervention has been rejected. The petitioner, has also filed a civil suit bearing Regular Civil Suit No.67/2007 for the purpose of protection of his possession, in which application below Exh.5 came to be rejected by the order dated 28/03/2007, appeal there against came to be dismissed on 15/10/2010, writ petition there against bearing Writ Petition No.5440/2010 also came to be dismissed on 09/12/2010. Whatever rights, the petitioner is claiming vis-a-vis the land of plot no.81, therefore are subjudice in Regular Civil Suit No.67/2007. The role of the petitioner once having brought the illegalities to the notice of the Collector comes to an end and the Collector acting upon the same has passed the order dated 27/05/2022 (pg.21). Once this position is on record, the question of permitting the petitioner, to intervene in the appeal on the ground that he being a whistle-blower would not arise as the role of the petitioner in such capacity comes to an end, once the position which he claims has been brought to the notice of the authorities.

3. I, therefore, do not see any reason to interfere in the impugned order. The writ petition is therefore dismissed. No order as to costs.