

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

WRIT PETITION NO.3317 OF 2022

Sai Industrial Estate Welfare Association Thr. President, Hingna Nagpur and ors.

-vs-

Divisional Commissioner, Nagpur Division, Civil Lines, Nagpur and ors.

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

Court's or Judge's Orders.

Shri A. A. Naik, Advocate for petitioners.

Shri A. S. Fulzele, Additional Government Pleader for respondent
Nos.1 to 4.

Shri A. S. Bhendarkar, Advocate for respondent no.5.

Shri M. M. Agnihotri, Advocate for respondent No.7.

Shri P. S. Sahare, Advocate for applicant in CAW No.2707/2022.

CORAM : A. S. CHANDURKAR AND MRS VRUSHALI V. JOSHI, JJ.

DATE : January 17, 2023

By the order dated 06/12/2022 the respondent Nos.3 and 4 were directed to file an affidavit indicating the steps taken to act in accordance with the minutes of meeting as recorded on 12/07/2022.

The learned Additional Government Pleader for respondent Nos.1 to 4 and 6 seeks further time of two days to file such affidavit.

Stand over 20/01/2023.

Authenticated copy of this order be provided to the learned Additional Government Pleader.

Civil Application (CAW) No.2707/2022

The applicants seek leave to intervene in the present proceedings or in the alternative seek their impleadment as respondents.

In the application it is stated that the applicants are

necessary parties in the present proceedings for the reason that pursuant to the interim order passed earlier, encroachment on Khasra Nos.63 and 64 is sought to be removed. It is the case of the applicants that insofar as Khasra No.65 is concerned, the same was the subject matter of Public Interest litigation No.48/2013 and there was a direction to remove encroachment from Khasra No.65. Under the garb of that order encroachment from Khasra Nos.63 and 64 is sought to be removed despite the fact that an application for review came to be rejected.

We find that in the present writ petition a prayer has been made for removing encroachment at Khasra Nos.63, 64 and 65. If the applicants are aggrieved by the steps taken to remove such encroachment, they have to challenge such action independently and they cannot seek any relief in the present writ petition as intervenors/respondents.

Hence liberty is granted to the applicants to independently challenge any action taken by the concerned respondents for removal of the encroachment in accordance with law. The points raised in the civil application are kept open.

The Civil Application is disposed of as not entertained.

(Mrs Vrushali V. Joshi, J.)

(A. S. Chandurkar, J.)

Asmita