



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 524 OF 2023 IN
PUBLIC INTEREST LITIGATION NO. 79 OF 2021

Ajinath Maruti Pole & another .. Applicants

versus

The State of Maharashtra & others .. Respondents

Mr. S. P. Salgar, Advocate holding for Mr. N. V. Gaware, Advocate
for the Applicants.

Mr. R. S. Wani, AGP for Respondent Nos. 1 to 5.

Mr. S. S. Jangale, Advocate holding for Mr. R. R. Karpe, Advocate
for Respondent Nos. 10, 17, 18, 20, 22, 31B, 36, 38 and 41A.

WITH
PUBLIC INTEREST LITIGATION NO. 79 OF 2021

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 22nd MARCH, 2024.

PER COURT :

1. A request for an adjournment is made on behalf of learned Advocate Mr. Karpe. Considering that the Civil Application for bringing the Legal Heirs of deceased Respondents on record, has been adjourned on not less than six occasions, the request is refused. This Application was filed on 18th August, 2022 for bringing Legal Heirs of deceased Respondents on record.

2. Though the delay appears to be of 23393 days in relation to deceased Respondent No. 8, 9703 days in relation to deceased Respondent No. 24, 8185 days in relation to deceased Respondent No. 11, 5962 days with regard to deceased Respondent No. 23, 6618 days in relation to deceased Respondent No. 41 and 1076 days with regard to deceased Respondent No. 29 etc., the explanation tendered is acceptable. This Public Interest Litigation is filed in the year 2021 seeking removal of encroachment on Government land. Noticing the encroachers, this Court permitted the Petitioners to add the encroachers as Respondents. Thereafter, notices were issued. After the bailiff report was received, it was revealed that some of these Respondents have died long ago.

3. We find that the explanation is justifiable and convincing. Delay or laches cannot be attributed to the applicants. Moreover, the learned Advocate for the Applicants generously submits that he would deposit cost of Rs. 5,000/- and, by consent of the parties, the amount be deposited with the Bombay High Court Advocates' Association at Aurangabad. In view of the above, **the Civil Application is allowed.** The Legal Heirs of deceased Respondents be brought on record within 3 weeks.

ORDER BELOW THE PIL PETITION

5. Issue notice to the Legal Heirs of the deceased Respondents in the Public Interest Litigation, returnable on 24th April, 2024.

(R. M. JOSHI)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

dyb