



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.12322 OF 2024
IN
WRIT PETITION NO.10374 OF 2023

Santosh Jagdish Dolas and Ors.

...Applicants.

In the matter between

Sambhaji Tanpure and Ors.

...Petitioners

Versus

The State of Maharashtra

Through Principal Secretary and Ors.

...Respondents.

Mr. Drupad Patil for the Applicants.

Mr. Bhushan Raut for the Petitioners (through V/C)

Ms. S. D. Chipade, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : 6th September, 2024.

P. C. :

1. Interim Application has been preferred for intervention in the present Petition.
2. Learned counsel for the Applicants submits that the order dated 27th June, 2023 which is impugned in the present Petition was passed on an Application which was made by the Applicants. He points out to the impugned order dated 27th June, 2023.
3. Upon a query by this Court as regards the locus of the present Applicants, learned counsel for the Applicants submits that by the

impugned order, the construction on a stream was restrained by the Tahsildar and in event the construction is permitted to be carried out his land which is adjacent to the stream would be submerged in the water and his rights would be affected and therefore, they are aggrieved party and had filed an application before the Tahsildar.

4. Considering that the impugned order was passed in application which was filed by the present applicants, the applicants were required to be impleaded in the present proceedings which has not been done by the petitioners.

5. The submission of learned counsel for the respondent is that the copy of the order was not available is no answer considering that the petitioners herein were party to the proceedings before the Tahsildar and were thus aware that the same was at the instance of the applicants. As present interveners were original applicants in the application in which the impugned order is passed, Interim Application deserves to be allowed. The Petitioners are directed to implead the applicants as party respondents to the writ Petition No.10374/2023. Amendment to be carried out within a period of 4 weeks from today.

6. Stand over to **4th October 2024.**

[Sharmila U. Deshmukh, J.]