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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10758 OF 2024

Dnyandeo Jairam Kadale
Since deceased through legal heirs ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

Mr Sachin Deokar, for the Petitioner/Appellant.

Mr Kedar Dighe, Addl. GP a/w Ms S R Crasto, AGP for the
Respondent.

CORAM M.S. Sonak &
Jitendra Jain, JJ.
DATED: 20 February 2025

PC:-

1. Heard learned counsel for the parties.
2. The order dated 10 March 2023 is challenged on the grounds that it was made in gross breach of the principles of natural justice and fair play.
3. Mr. Sachin Deokar, learned counsel for the petitioner, points out that the petitioner and his brother were allotted plot No.3 admeasuring 6000 sq.ft, i.e. 3000 sq.ft. each in 1976. Without following the principles of natural justice and going by the representation of one Atul Kharat, the portion of 3000 sq.ft. allotted to the petitioner is now reallocated to

Bhairavnath Temple. Accordingly, we had directed the impleadment of Atul Lala Kharat. The said party is already impleaded, and even service is effected.

4. Mr. Dighe pointed out that even the Bhairavnath Temple would be a necessary party if the allotment involving Bhairavnath Temple is to be cancelled. Mr. Deokar states that there is no trust or legal entity that established and manages Bhairavnath Temple. He further submitted that it is the Gram Panchayat that looks after the affairs of Bhairavnath Temple, and the Gram Panchayat has already been impleaded and served.

5. Mr. Dighe is also unable to say whether any trust or other legal entity is managing the affairs of Bhairavnath Temple. In any event, and as a matter of abundant caution, leave is granted to implead Bhairavnath Temple and its principal office bearer, if any, as respondent No.10. The amendment to be carried out forthwith. Re-verification is dispensed with. Fresh steps must be taken to serve this newly impleaded respondent, informing this respondent that the matter will be posted for final disposal on the next date.

6. Mr. Sopan Tompe, who made the impugned order dated 10 March 2023, has filed an affidavit apologising for the inadvertent mistake in making the impugned order. Similarly, Mr. Sushantkiran Bansode, present Deputy Collector, has also filed an affidavit not defending the impugned order dated 10

March 2023 but offering to allot alternate property measuring 3000 sq.ft. in the vicinity of the petitioner.

7. Accordingly, we again direct the petitioner to serve respondent No.8, 9 and 10, informing them that this matter is now posted for final disposal at the admission stage on 7 March 2025 (High on Board). An affidavit of service must be filed.

8. Mr. Deokar makes a solemn statement based on the instructions that till today, the temple has not altered the plot or made any construction there. Accordingly, we direct that complete status-quo should be maintained on the said plot until further orders.

(Jitendra Jain, J)

(M.S. Sonak, J)