



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

WRIT PETITION NO.555/2025

Pramod Prabhakar Bhandarkar .Vs. Manojkumar Kamalkishor Shikhwai and anr.

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

Court's or Judge's orders

Mr. K. S. Motwani, Advocate for petitioner.

CORAM : **ANIL L. PANSARE, J.**

DATE : **MARCH 20, 2025**

Heard.

2. Petitioner intends to get himself impleaded in the suit filed by respondent No.1 against respondent No.2. The suit is filed for declaration that notices dated 27.05.2024 and 20.06.2024 issued by respondent No.2 for removal of alleged encroachment are illegal and contrary to the provisions of the law.

3. Case of the petitioner is that the notices have been issued at his instance. It appears that the petitioner made complaint and accordingly respondent No.2 has issued notice to respondent No.1.

4. The Trial Court was of the view that presence of the petitioner is not necessary to decide the suit. This finding appears to me to be in consonance with material placed before the Trial Court. Respondent No.1 is challenging the notices issued by respondent No.2 for which the presence of petitioner is not necessary. There is nothing to show that the petitioner has any role, either in the encroachment or its removal, that would affect his rights. The only reason why the petitioner is seeking intervention is that the notice has been issued at his instance.

5. To my mind, that cannot be a reason to get entry in the suit. It is well settled that necessary party is the one in whose absence the suit cannot be decided. In the present case, the question

that requires answer is, whether the notice issued by respondent No.2 to respondent No.1 is legal and valid. To answer this question, the presence of petitioner is not necessary. There is thus no merit in the petition. The petition is dismissed in limine.

(Anil L. Pansare, J.)

Kahale