



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

WRIT PETITION NO. 2415 OF 2025

Ankush Ashok Karare, Age-29 years, Occ-Private,
R/o Garoba Maidan, Kapase Chowk, Nagpur.

PETITIONER

VERSUS

1. Pushpa Gendlal Shivale, R/o 757/1/A, Ward No.24,
Garoba Maidan, Kapase Square, Nagpur.
2. Executive Engineer/Competent Authority (SLUM),
Nagpur Municipal Corporation, Civil Lines, Nagpur.
3. Assistant Commissioner, Gandhibagh Zone no.6,
Nagpur Municipal Corporation, Nagpur.
4. The Additional Collector, Nagpur, Civil Lines, Nagpur.

RESPONDENTS

Shri C.Y. Deopujari, counsel for the petitioner.
Shri K.C. Gour, counsel for the respondent no.1.
Shri A.M. Kukday, counsel for the respondent nos.2 and 3.
Shri S.C. Joshi, Assistant Government Pleader for the respondent no.4.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : JANUARY 19, 2026

ORAL JUDGMENT

RULE. Rule is made returnable forthwith and heard finally with consent of the learned counsel for the parties.

2. The petitioner has challenged the order dated 06.01.2025 passed by the respondent no.4 rejecting the application for intervention filed by the petitioner in the pending appeal filed by the respondent no.1.

3. The respondent no.1, viz. Pushpa Gendlal Shivale had filed an application before the Competent Authority, Nagpur Municipal Corporation (Slum) for grant of permission to make construction over the property bearing no.757/1/A situated at Ward no.24, Garoba Maidan,

Kapse Chowk, Nagpur admeasuring 350 square feet. The said application was rejected by the Competent Authority and therefore the respondent no.1 had filed an appeal before the respondent no.4-Additional Collector, Nagpur. The petitioner herein claiming himself to be the original owner of the said property filed an application for intervention in the said appeal and contended that Regular Civil Suit No.418 of 2019 in between the parties is pending before the trial Court. The respondent no.4 rejected the application for intervention by order dated 06.01.2025, which is subjected to challenge by way of instant petition.

4. The primary contention of the learned counsel for the petitioner is that the plot of land with respect to which the appeal is pending was earlier owned by the petitioner's father and the respondent no.1 has forcibly encroached upon the said property on the basis of a false and fabricated agreement. He submitted that the petitioner had already filed the suit for declaration, permanent injunction and possession against the respondent no.1 which is pending and as such any permission of construction would be against the rights of the intervenor. He submitted that the respondent no.4 failed to consider the valuable rights of the petitioner and in view of pendency of civil suit, ought to have allowed the application for intervention.

5. A perusal of the impugned order shows that the respondent no.4 has categorically observed that the petitioner/intervenor has failed to point out any document showing his ownership and in view of the documents of mutation about the property in question, the respondent

no.1 is shown as occupier since 01.04.2007. By considering the fact that the respondent no.1 is occupying the property since many years, the entitlement of the respondent no.1 for seeking permission of construction is required to be adjudicated independently. Pertinent to note, the petitioner has failed to file on record any document showing ownership of the petitioner over the said portion of plot admeasuring 350 square feet on which permission of construction is being sought by the respondent no.1. As such, in the appeal filed by the respondent no.1, the petitioner cannot be considered to be a necessary party. The respondent no.1 has passed the impugned order after giving due consideration to the factual and legal aspects and as such no indulgence is warranted with the impugned order. Needless to state, the rights allegedly claimed by the petitioner are the subject matter of adjudication in the pending suit in between the parties and as such no interference is warranted with the impugned order.

6. The writ petition deserves to be dismissed and the same is dismissed with no order as to costs. Rule stands discharged.

(PRAFULLA S. KHUBALKAR, J.)