

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.4912 OF 2011  
with  
CIVIL APPLICATION St.NO.5220 of 2012.

SHRI SANKAT VIMOCHAN HANUMAN MANDIR TRUST SHRI  
HANUMAN PRASARAK KJANSEVA MANDAL A  
VERSUS  
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Petitioners : Mr.Deshpande Siddharth  
R.

Mr.VH Dighe, AGP for Respondents Nos.1 to 4;  
Mr.RT Nagargoje, Adv for Resp.,No.5;  
Mr.VD Sapkal, Adv. For applicants/intervenor;

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**CORAM : K.U.CHANDIWAL, J.**  
**DATE : 23<sup>rd</sup> February,2012.**

**PER COURT :**

1) Heard Mr.Sapkal. Leave to register Civil Application for intervention. Mr.Deshpande; Mr.Digh, AGP and Mr.Nagargoje waive service for respective parties in CA for intervention.

2) The grievance of the applicant is, the rights sought to be adjudicated in the writ petition, will be adversely affecting his interest, which he has been prosecuting before several authorities. To substantiate the point, Mr.Sapkal took me to letter dated 19.5.2011 addressed to City Survey Officer, Aurangabad by Sub Divisional Officer, Aurangabad in the capacity as Deputy Collector (Atiyat). He has also placed on record the order of learned Deputy

Director, Land Records, Aurangabad dated 31.10.2011 to impress that substantial rights of the applicant/intervenor may involve, the orders or any observation of this Court in writ petition, should not adversely affect to the on-going proceedings.

3) In Writ Petition No.7352/2010, moved by the present applicants, this Court on 4<sup>th</sup> October, 2010, recorded as under, -

"...The petitioners shall have liberty to take out appropriate proceedings for protecting their rights in relation to Survey No.3, and the authorities below dealing with such proceedings, if initiated by the petitioner, would consider the same in accordance with the provisions of law and without being influenced by the orders passed in proceedings to which they were not party. It is informed that some proceedings are initiated before the Atiyat Court and the Atiyat Court has a liberty to dispose of the proceedings pending before the said Court in accordance with provisions of law. With these observations, petition stands disposed of."

4) It was also recorded by this Court in paragraph 1, that the applicants were not party in support of various entries recorded in the City Survey.

5) The challenge in the said writ petition No. 7352 of 2010 by the applicant was to the very order of the learned Minister, which is questioned in the present writ petition. Since, the substantial issue raised by the applicant is already decided in Writ

Petition No.7352/2010, intervention of the applicants in the present proceedings is not imperative, as the grievance of the applicants is answered in the above referred directions of this court. Consequently, intervention application dismissed.

6) At the request of both the learned Advocates, S.O. To 4<sup>th</sup> April, 2012.

**(K.U.CHANDIWAL)**  
**JUDGE**

bdv/