

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

FIRST APPEAL NO.179/2014

Vidarbha Irrigation Development Corporation, through its Executive Engineer, Minor
Irrigation Division No.2, Chikhli, Distt. Buldhana

..Versus..

Sahebrao Khanduji Kale through L.Rs. and others

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

Court's or Judge's orders

Shri A.B. Patil, Adv. for the appellant.
Shri M.A. Kadu, A.G.P. for respondents 2 and 3.

CORAM : Z.A. HAQ, J.

DATE : 20.1.2015

Heard Shri A.B. Patil, the learned advocate for the appellant
and Shri M.A. Kadu, the learned A.G.P. for the respondents 2 and 3.

None appears for the respondents 1(i) to 1(vi).

The appellant - Vidarbha Irrigation Development Corporation

has challenged the order passed by the Reference Court under Section 18 of the Land Acquisition Act, 1894.

The grievance of the appellant is that the appellant is directly concerned with the acquisition of the land and the amount of compensation is also required to be paid by the appellant. The same issue is considered and decided by this Court in several matters.

In First Appeal No.667/2009 the Division Bench of this Court has set aside the order passed by the Reference Court and remitted the matter to the Reference Court for fresh decision according to law, permitting the Acquiring Body to get itself impleaded as party to the proceedings. Similar order is passed in First Appeal No.93/2010.

The issue raised in this appeal being covered by the order passed by the Division Bench of this Court, the following order is passed :

(1) The order passed by the learned 2nd Joint Civil Judge Senior Division, Buldhana in Land Acquisition Case No.79/1998 on 19th December, 2008 is set aside and the matter is remitted to the trial

Court for deciding the reference under Section 18 of the Land Acquisition Act, 1894.

(2) The appellant - Vidarbha Irrigation Development Corporation is permitted to get itself impleaded as the non-applicant in the proceedings before the trial Court.

(3) The appellant is permitted to lead evidence and to cross-examine the witnesses who are already examined on behalf of the respondents 1(i) to 1(vi) - claimants.

(4) The appellant shall appear before the learned 2nd Joint Civil Judge Senior Division, Buldhana on 9th March, 2015 at 11 a.m. and abide by the instructions of the learned trial Judge in the matter.

(5) The learned A.G.P. undertakes to inform the date of appearance to the respondents 2 and 3 and they shall also appear before the learned trial Judge on 9th March, 2015 at 11 a.m.

(6) The appellant shall send the copy of the order to the respondents 1(i) to 1(vi) by registered post acknowledgment due and if required serve them as per the order passed by the learned trial

Judge.

- (7) The appeal is allowed in the above terms.
- (8) In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.