

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

WRIT PETITION NO. 4935 OF 2014

(PRABHUDAYAL RAMKHILAVAN PANDE....VS..STATE OF MAH. & 8 OTH.)

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : JANUARY 22, 2016.

Heard Shri M.P. Lala, advocate for the petitioner,
Shri R.O. Chabra, advocate for the respondent No.2 and Ms
R.A. Deshpande, A.G.P. for the respondent No.1.

The applicant came to be impleaded in the proceedings under Section 18 of the Land Acquisition Act, 1894 accepting his contention relying on the 7/12 extract which showed his name. The respondent Nos. 3 to 9 made an application seeking permission to get themselves impleaded on the same ground that 7/12 extract also shows their names. Apart from this fact, Shri Sanjay Pande who was already party to the proceedings died and the respondent Nos. 7, 8 and 9 are the legal representatives of Shri Sanjay Pande. The learned trial Judge has rightly allowed their application praying that they be permitted to get themselves impleaded as party to the reference proceedings.

Shri M.P. Lala, learned advocate for the petitioner has submitted that the application filed by the respondent Nos. 3 to 9 could not have been allowed as it was made after the prescribed period of limitation.

In my view, the objection raised on behalf of the petitioner cannot be considered in this petition as he cannot be said to be party aggrieved by the impugned order. The respondent Nos. 1 and 2 have not challenged the order passed by the trial Court permitting the respondent Nos. 3 to 9 to get themselves impleaded as party.

The learned advocate for the petitioner has submitted that if the respondent Nos. 3 to 9 are permitted to get themselves impleaded as party to the proceedings under Section 18 of the Land Acquisition Act, 1894, it may affect his share in the amount of enhanced compensation. The submission cannot be accepted as the proceedings under Section 18 of the Land Acquisition Act, 1894 are for enhancement of the amount of compensation and not for apportionment.

The petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE