

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

FIRST APPEAL NO.947/2016

Vidarbha Irrigation Development Corporation, through its Executive Engineer, Minor
Irrigation Division, Washim

..Vs..

Madhav Shankar Marathe and others

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 : 19.9.2016.

Heard Shri V.G. Palshikar, Advocate for the appellant, Shri Amol Darekar, Advocate for the respondent No.1 and Ms. A.R. Kulkarni, A.G.P. for the respondent Nos.2 and 3.

In the reference proceedings under Section 18 of the Land Acquisition Act, 1894, the present appellant Vidarbha Irrigation Development Corporation (Acquiring Body) was not impleaded. The Acquiring Body has filed this appeal alongwith an application praying for leave to file appeal. This Court, by the order dated 9th March, 2016, has granted leave to file appeal.

The learned Advocates for the appellant and the respondent No.1 and the learned A.G.P. are not disputing that the matter is required to be remitted to the Reference Court in view of the judgment given in the case of *Abdul Rasak and others V/s. Kerala Water Authority and others* reported in **2002 AIR SCW 477.**

Hence, the following order:

- (i) The impugned award is set aside.
- (ii) The matter is remitted to the learned Civil Judge, Senior Division, Washim for deciding the reference proceedings afresh.
- (iii) The appellant and the respondents shall cause appearance either themselves or through their representative before the Reference Court on 15th November, 2016 at 11 a.m. and abide by further orders in the matter.
- (iv) As the matter is very old the Reference Court shall dispose the proceedings till 10th March, 2017.

The appeal is **allowed** in the above terms.

In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.

CERTIFICATE

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order”.

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Personal Assistant.

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