

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 7605 OF 2009

Haribhau s/o Sitaram Karpe
age 75 years, occ. Agril
r/o Jawalban Tq. Kaij
Dist. Beed

.. PETITIONER

VERSUS

1. The State of Maharashtra
Through the Collector, Beed.
2. The Executive Engineer
Beed Minor Irrigation Division,
Head Office at Ambajogai
Dist. Beed.
3. Bhimrao s/o Haribhau Karpe
age 45 years, occ. Agril.
r/o Dawalban, Tq. Kaij
Dist. Beed

.. RESPONDENTS

Mr. T.G. Gaikwad, advocate for petitioner.
Ms. R.P. Gaur, AGP for the State.
Mr. Ruturaj Patil, advocate for respondent no.2.
Mr. K.J. Suryawanshi, advocate for respondent no. 3.

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**CORAM : S. B. SHUKRE, J.
DATE : 31st JANUARY, 2017.**

ORAL JUDGMENT :

1. Heard learned counsel for the respective parties.
2. By this petition, a challenge has been posed to the order dated 23rd July, 2009, whereby respondent no. 3 has been allowed to join the dispute/ reference under section 18 of the Land Acquisition Act, as third party.
3. It is the contention of learned counsel for petitioner that while

allowing this application, the learned Adhoc District Judge did not consider the position of law as clarified in the case of Bhau Krishna Shinde through LRs Vs. Vatsala Bhau Dhamale & others reported in **2000(1) All MR 33**. The contention however, appears to be fallacious as the position of law was not brought to the notice of the learned Adhoc District Judge when the impugned order was passed. As a matter of record, petitioner did not object to allowing of the application vide Exh. 19 by the impugned order. Therefore, the impugned order cannot be said to be patently illegal or perverse in the eye of law. If the petitioner wants to rely upon some rulings, he can still do so when the matter would reach the stage of decision on merits.

4. In this view of the matter, I see no merit in this petition and it deserves to be dismissed. Petition stands dismissed with costs. However, liberty is granted to the petitioner to file appropriate application before the reference Court for bringing on record the correct position of law and taking necessary steps in the matter. Rule discharged.

(S. B. SHUKRE)
JUDGE