

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

CIVIL APPLICATION NO. 4325 OF 2017

IN FA/690/2016

NIRMALA BALAJI SALGAR

VERSUS

THE EXECUTIVE ENGINEER (C.R.), DIVISION, PUNE AND ORS

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Advocate for the Applicant : Shri Chillarge Subhash S..

Advocate for Respondent No.1 : Shri M.N.Navandar.

AGP for Respondent No.2/ State : Shri B.A.Shinde.

Advocate for Respondent No.3 : Shri S.S.Manale.

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CORAM: RAVINDRA V. GHUGE

AND

SUNIL K. KOTWAL, JJ.

DATE :- 28th November, 2017

Per Court :

1 The Applicant desires to be impleaded as a Respondent in the First Appeal. The learned Advocate for the Applicant submits that since the sale deeds of 1989 and 1993, with reference to the lands which have been acquired and the compensation is deposited in this Court, have been subjected to challenge in RCS No.364/2015, if the sale deeds are held to be null and void, the Applicant will get a right to the compensation amount. It is further stated that the said suit is pending adjudication.

2 The learned Advocate for Respondent No.3, who has been granted compensation, submits that the land acquired was purchased on the basis of three different sale deeds and that too after seeking permission of the Court. Since the Applicant is born in 1992, the learned

Single Judge of this Court in Civil Revision Application No.61/2017, by order dated 03.07.2017, has concluded that the said suit is not maintainable against the original Defendant Nos.2 and 3 since they are related to the sale deed which was signed and executed before the Applicant was born.

3 We find that the Applicant herein had not approached the Special Land Acquisition Officer or the LAR Court when the proceedings were pending before those authorities. The Applicant is before this Court only because the amount of compensation has now been deposited in this Court.

4 We are, therefore, of the prima facie view that this Civil Application cannot be entertained at this stage since there is no right accrued in favour of the Applicant and merely because the suit is pending, which is instituted as late as in 2015, it would not mean that the Applicant gets a right to participate in these proceedings.

5 In the light of the above, we do not find that this Civil Application can be entertained. The same is, therefore, rejected.

6 Nevertheless, the Applicant would be at liberty to make an application for being added as a respondent in First Appeal No.690/2016 if any right in favour of the Applicant is crystallized before the Civil Court.