

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

CIVIL APPLICATION NO. 2777 OF 2017 IN FAST/28969/2016

THE EXECUTIVE ENGINEER, LIFT IRRIGATION DIVISION, OSMANABAD
VERSUS
MATHURABAI RAMDAS @ RAMRAO ATOLE AND ANOTHER

...
Advocate for Applicant : Mr. S. D. Dhongade.
Advocate for Respondents : Mr. D. M. Hange.

...
WITH CA/2780/2017 IN FAST/30329/2016
...

CORAM : K.K. SONAWANE, J.

DATED : 08TH DECEMBER, 2017.

Order :-

Heard learned counsel for applicant- Acquiring Body and learned counsel for respondent No.1 (original claimant) as well as learned AGP for respondent No.2 State of Maharashtra. Perused application.

2. Admittedly, the applicant- Acquiring Body was not impleaded as a party respondent in the reference petition u/s. 18 of Land Acquisition Act, 1894 filed before the Reference Court. In view of nature of subject matter and the lands acquired for the purpose of irrigation division, it would be essential to grant permission for applicant to ventilate grievance before Appellate Forum against the impugned Judgment and Award passed by Reference Court. The learned counsel for respondent fairly conceded for grant of permission in favour of applicant to file appeal. In such circumstances, the application is allowed in terms of prayer clause 'B'. The applicant is permitted to file appeal against impugned Judgment and Award passed by Reference Court in Land Acquisition Reference No. 512 and 201 of 1997 dated 18-08-2009. The Registry to take requisite steps for further process.

**[K. K. SONAWANE]
JUDGE**