

(1)

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

**CIVIL APPLICATION (F) NO.117 OF 2017
IN
FIRST APPEAL NO. 542 OF 2015**

The Executive Engineer, Lower
Wardha Project Division, Vidarbha
Irrigation Development
Corporation

..APPELLANT

VERSUS

1. Tayyab Ali Ahmed Ali,
Aged about 65 years,
Occ: Agri.,

2. Mohammad Ali Ahmed Ali,
Aged about 59 years,
Occc: Agri.,

3. Sayyed Ali Ahmed Ali,
Aged about 55 years,
Occ : Agri.,

All R/o. Pimpri (Pargaonthan),
Tah. Arvi, Dist. Wardha.

4. State of Maharashtra, through
its Collector, Wrdha, Dist. Wardha.

5. Special Land Acquisition Officer
and Sub Divisional Officer,
Arvi, Tah. Arvi, Dist. Wardha. ..RESPONDENTS

1. Amjad Khan Rahim Khan Pathan,
aged about 38 years, Occ: Labour,

2. Javed Khan Rahim Khan Pathan,
aged about 35 years, Occ: Labour,

Both R/o. Pimpri (Pargaonthan),
Tah. Arvi, Dist. Wardha.

..APPLICANTS

(2)

Mr S.G. Jagtap, Advocate for appellant;
Mr D.S. Lambat, Advocate for respondent Nos.1 to 3;
Mrs M.S. Naik, A.G.P. for respondent Nos. 4 and 5
Mr V.N. Patre, Advocate for applicants-intervenor

CORAM : N.W. SAMBRE, J.

DATE : 29th MARCH, 2017

ORAL ORDER :

The appeal preferred by acquiring body against award delivered under Section 18 of the Land Acquisition Act is already admitted.

2. Present application is moved by co-owners, who were already paid compensation by the Land Acquisition Officer under Section 11 of the Land Acquisition Act.

3. Present applicants sought intervention in the present matter, which application is strenuously opposed by the respondents to the appeal on the ground that the applicants have not preferred Reference under Section 18 of the Land Acquisition Act after award was delivered by the Land Acquisition Officer.

(3)

4. In view of above, it will be appropriate, in my opinion, to allow the application. The applicants be added as party respondents.

5. It is clarified that the Court has not, at this stage, gone into on the issue of entitlement of the parties.

6. Civil Application stands disposed of accordingly.

(N.W. SAMBRE, J.)

Tupe