

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

WRIT PETITION NO.10179 OF 2016

HIRALAL MOTILAL JOSHI DIED LRS NATHIBAI HIRALAL
JOSHI DIED LRS BAJRANGLAL HIRALAL JOSHI AND
OTHERS.

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr S Y Patil h/f Patil B.N.

AGP for Respondent 1: Mr S B Pulkundwar

Advocate for Respondent 3 : Mr M S Patil

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CORAM : N.M. JAMDAR, J.

Dated: 21December 2018

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PER COURT :-

By order passed today in civil application, writ petition is restored.

2. Notices have been already issued in this petition. The respondent nos. 2A to 2C are the other claimants have been joined as formal respondents.

3. The petitioner's application to join the Municipal Corporation of Latur in the Land Acquisition Reference proceeding for whose benefit land was acquired, as party respondents has been

rejected by the impugned order. The only reason given in the impugned order is that the reference is pending since long time. The learned counsel for the petitioner, however, points out that by order dated 21 March 2016 the proceedings were remanded to the Reference Court. Considering the fact that no reply is filed by the Municipal Corporation, Latur opposing its impleadment and that impleadment will ultimately ensure to the benefit of the Municipal Corporation, as the Municipal Corporation would be entitled to be heard in the reference, no purpose would be served by not permitting the impleadment of the Municipal Corporation, Latur.

4. Accordingly, the impugned order dated 17.8.2016 is quashed and set aside. The application below Ex.51 in LAR No.133/1989 pending on the file of Civil Judge S.D. Latur, is allowed. The petitioner will carry out the necessary amendment within a period of three weeks.

5. The writ petition is disposed of in above terms.

(N.M. Jamdar, J.)

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