

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

928 CIVIL APPLICATION NO.1596 OF 2019
IN WP/3643/2018

BABASAHEB NAMDEO GADIKAR
VERSUS
THE DIVISIONAL COMMISSIONER AURANGABAD REVENUE DIVISION
AND OTHERS

...
Advocate for Applicant : Mr. Adwant S.V.
AGP for Respondents:Mr. Y.G.Gujrathi
Sr. Advocate for Respondent No.6 :Mr. R.N.Dhorde
Advocate for Respondent No.5 :Mr. V.R.Vaidya
Advocate for Respondent No.7 :Mr. N.S. Tekale
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CORAM : **S. V. GANGAPURWALA**
& ARUN M. DHAVAL, JJ.

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(Date: March 29, 2019)

PER COURT :-

1 The present application is filed, seeking leave to amend the writ petition and thereby assail the award dated 22.11.2017. The writ petition is admitted under the orders of this Court dated 10.4.2018.

2 We have heard Mr. Adwant, learned Advocate for the applicant, the learned AGP for respondent-State, Mr. R.N. Dhorde, learned senior counsel for the non-applicant.

3 In the writ petition, the present applicant seeks multifarious reliefs viz. declaration that the respondents have forcefully acquired the property of the petitioner and taken possession, without paying compensation, to declare that the respondents have misused their powers by

changing Annexure-16 appended to the award by deleting his name, so also averments with regard to apportionment of compensation by the respondents. By the present Civil Application, now the applicant seeks to challenge the award.

4 The writ petition is already admitted. The applicant, in fact, ought to have raised this challenge in the writ petition itself; so that same could have been considered before the admission of the writ petition. However, as the petition is already admitted and the amendment sought relates to the subject matter of the writ petition, we are inclined to allow the civil application for amendment, keeping intact the right of the non-applicants to challenge the averments made, with regard to the award and maintainability of the challenge to the award in the writ petition on the available grounds.

5 In the light of the above, the civil application is allowed in terms of prayer clause 'B' with the aforesaid observations and conditions.

(ARUN M. DHAVAL, J) (S. V. GANGAPURWALA, J)

vbd