

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

2 CIVIL APPLICATION NO. 1399 OF 2016  
IN FAST/4548/2015

G.M.I.D.C. AURANGABAD THR ITS EXE ENGINEER  
MINOR IRRIGATION DIVISION LATUR  
VERSUS  
BALAJI JIVNAJI BUDHWARE AND OTHERS

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Advocate for Appellant : Mr. Biradar R.D.  
AGP for Respondent No.3 : Mr. R. B. Bagul.  
Advocate for Respondents No.1 and 2 : Mr. Eknath Irale.

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**CORAM : SMT.VIBHA KANKANWADI, J.**  
**DATE : 03-09-2019.**

PER COURT :

1. Learned advocate for the applicant/ appellant is not showing any provision in respect of transposition to State Government as Co-appellant in FAST No.4548 of 2015.
2. The learned advocate appearing for the acquiring body has tried to rely on the notification issued by some Deputy Secretary, however it is to be noted that the interest of the acquiring body cannot be said to be similar that of State though the acquisition might have been made and the steps were taken by the State for the purpose of project which has then been handed over to the corporation. The corporation has been established under the provisions of an Act, and therefore, as per

the object for which the corporation was established by separating it from the Government, it cannot be stated that now the interest of the State is equivalent to the Government. The learned advocate appearing for the applicant/ appellant – acquiring body is not AGP, and therefore, he cannot represent the State to whom he seeks to add as co-appellant. Under such circumstance there is no merit in the application for transposition.

3. Further the State has been made respondent in the appeal, it cannot be stated that the appeal has been instituted by a wrong appellant taking into consideration the fact that the concerned authority of the appellant was a party before the reference Court. Under such circumstance the application stands rejected.

**(SMT. VIBHA KANKANWADI)**  
**JUDGE**

*vjg/-.*