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

914 CIVIL APPLICATION NO. 1404 OF 2016 IN FAST/4558/2015 WITH CA/1394/2016 IN FAST/4377/2015 WITH CA/1398/2016 IN FAST/4554/2015 WITH CA/1396/2016 IN FAST/4562/2015 WITH CA/1403/2016 IN FAST/4566/2015 WITH CA/1401/2016 IN FAST/4570/2015 WITH CA/1400/2016 IN FAST/4574/2015 WITH CA/1397/2016 IN FAST/4578/2015 WITH CA/1405/2016 IN FAST/4582/2015 WITH CA/1402/2016 IN FAST/4586/2015 WITH CA/1393/2016 IN FAST/4590/2015

GODAVARI MARATHWADA IRRIGATION DEVELOPMENT CORPORATION, AURANGABAD, THROUGH ITS EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, LATUR
VERSUS
SHIVRAJ VITTHAL BANDEWAD AND ANOTHER

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Advocate for Applicant : Mr. R.D. Biradar
Advocate for Respondents viz. claimants : Mr. Eknath Irale Patil
AGP for Respondent viz. State : Mr. R.B. Bagul

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 04TH SEPTEMBER 2019

ORAL ORDER :

01. By the present applications, the applicant - acquiring body is seeking transposition of the non-applicant viz. State of Maharashtra as co-appellant in the first appeals.

02. Learned Advocate for the appellant - applicant is not showing any provision in respect of transposition of the State of Maharashtra as co-

appellant in the first appeals.

03. Learned Advocate appearing for the applicant - acquiring body has tried to rely on the notification issued by some Deputy Secretary of the State Government. 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. Learned Advocate appearing for the applicant / appellant - acquiring body is not Government Pleader/Assistant Government Pleader 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 applications for transposition.

04. Further, the State has been made respondent in the appeals; it cannot be stated that the appeals have 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 applications are hereby rejected.

(Smt. Vibha Kankanwadi)
JUDGE

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