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

**921 CIVIL APPLICATION NO.9655 OF 2018
IN FAST/17734/2015**

SAYED HAJI HAMID TAKIYA TRUST, SAVEDI AHMEDNAGAR
THR ITS CHAIRMAN
VERSUS
MAHARASHTRA HOUSING AND AREA DEVELOPMENT AUTHORITY
THR ITS CHIEF OFFICER NASHIK A

...

Advocate for Applicant : Mr. Kotkar Sanjay D.
AGP for Respondents : Mr. A.M. Phule
Advocate for Respondent No.3-C & 4-A : Mr. R.R.
Kulkarni h/f Mr. R.R. Mantri

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**CORAM : P.R. BORA, J.
DATED : 09th JANUARY, 2019.**

PER COURT:-

. Heard Shri Kotkar, the learned counsel appearing for the applicant.

2. The applicant-trust has filed the present application seeking intervention in the first appeal filed by present respondent no.1. It is the contention in the application that the present applicant has filed the application under Section 28-A of the Land Acquisition Act and the same is kept pending as because the present first appeal is pending before this Court. The reason as has been stated, in no case can be accepted for allowing the intervention of the present applicant.

(2)

3. From the facts as are revealing from the contents of the application, it is quite evident that the applicant-trust did not file any application under Section 18 of the Land Acquisition Act seeking enhancement in the amount of compensation awarded by the land acquisition officer. It is further clear that only after the applications filed by other claimants were decided by the Reference Court that the applicant-trust preferred an application under Section 28-A of the said Act claiming enhancement in the amount of compensation as was granted by the Reference Court to the said other claimants. The material on record reveal that the acquiring body has preferred the present appeal against the judgment and award passed by the Reference Court enhancing the amount of compensation. It is thus the dispute between the present respondent and the claimants in the concerned L.A.R. and for decision of the said dispute, the intervention of the present applicant is no way required. The application therefore deserves to be rejected and is accordingly rejected.

(P.R. BORA, J.)