

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

WRIT PETITION NO. 10798 OF 2019

**SHRIRANG RAMA ALIAS RAMBHAU POUL THROUGH GPA
DATTATRAY SHRIRANG POUL
VERSUS
THE COLLECTOR OSMANABAD AND OTHERS**

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Advocate for the Petitioner : Shri B. A. Dhengle
AGP for Respondent No. 1 : Shri S. W. Munde
ASGI for Respondent No. 2 : Shri S. B. Deshpande
Advocate for Respondent No. 3 : Shri S. R. Shirsat

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 30th AUGUST, 2019.

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PER COURT :

1. The petitioner / original plaintiff in Regular Civil Suit No. 2/2018 is aggrieved by the order dated 24/05/2019 passed by the Trial Court concluding that defendant No.1 District Collector is not a necessary party and instead the Union of India be arrayed as defendant No.1.

2. I have heard the learned Advocates for the petitioner and respondent No.3, the learned AGP and I have also taken the assistance of the learned ASGI.

3. The learned ASGI submits that the Union of India is not a necessary party. The learned Advocate for the petitioner relies upon the Gazette of India dated 28/04/2016 from new Delhi to support his contention that in such matters, the authorized representative of the acquiring body has to be arrayed as a defendant.

4. The learned Advocate for the petitioner submits that he is willing to deal with the issue of non joinder or mis joinder of parties. The learned Advocate for respondent No. 3 submits that if the petitioner / plaintiff is willing to face the risk as recorded above, the Trial Court be directed to consider this aspect also.

5. In view of the above, this petition is partly allowed. The petitioner shall delete the District Collector, Osmanabad from the proceedings. The Union of India need not be arrayed. Since the Trial Court has considered the final arguments of the litigating sides on 24/05/2019, the litigating sides would now appear before the Trial Court on 13/09/2019 which is the scheduled date. The Trial Court shall record that the Union of

India is not being arrayed as defendant No. 1 in the proceedings and it shall be at liberty to consider the issue of non joinder.

(RAVINDRA V. GHUGE, J.)

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