

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

WRIT PETITION NO.13647 OF 2018

SAFIYABI NABU KURESHI AND OTHERS
VERSUS
S D M COMPETENT AUTHORITY ACQUISITION OFFICER KANNAD AND
OTHERS

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Advocate for the Petitioners : Shri Quadri Taher Ali h/f Shri Patel Sameer
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AGP for Respondent 1 : Shri N.T.Bhagat.

Advocate for Respondent 8 : Shri A.S.Barlota.

Advocate for Respondent 9 : Shri Rameez M. Shaikh.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 04th February, 2019

Per Court:

1 The learned Advocate mentions on behalf of the Petitioners that the matter be adjourned as Shri Patel, learned Advocate has entered a leave note.

2 The learned Advocates for the respondents have vehemently opposed the said request contending that the Petitioners are seeking adjournments in this court and this is becoming an impediment in the progress of the LAR proceedings.

3 I find that the Petitioners sought adjournments on 10.12.2018, 17.12.2018, 07.01.2019 and again on 22.01.2019. In view of

the said position, the request for adjournment is refused.

4 I have considered the contentions set out in the memo of the petition.

5 The learned Advocates appearing for the respondents submit that LAR No.36/2018 is presently before the competent court. These Petitioners had preferred an application under Order 1 Rule 10 of the Code of Civil Procedure for adding them as the respondents on the ground that, by the registered sale deed executed on 24.05.1966, their father had purchased the land from the earlier owner. Mutation entries were also recorded. They are unaware as to whether, their father has subsequently sold the land. The claim of the claimants before the LAR court is bogus and fictitious. These Petitioners are the true owners of the said land.

6 The learned Advocates for the original claimants point out that, by the sale deed dated 23.02.1981, the father of these Petitioners sold the land to one Mr.Bhaurao Malode. From the said Bhaurao Malode, these claimants have purchased the land. The father of the Petitioners had parted with the ownership and possession of the land in view of the sale deed dated 23.02.1981. The mutation entries stand in the name of the claimants today after they were certified in the name of Bhaurao Malode in 1981.

7 I find that merely because the land is now under acquisition and huge amounts are available by way of compensation that the legal

heirs of the earlier owner, who had parted with the land in 1981, are before this Court. The Petitioners have not filed any proceedings against the sale deed executed by their father on 23.02.1981 or the sale deed by which the claimants purchased the land from Bhaurao Malode.

8 In view of the above, I do not find that the impugned order concluding that these third parties seek an impleadment out of their greed, could be termed as being perverse or erroneous.

9 This Writ Petition being devoid of merit is, therefore, dismissed.

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(RAVINDRA V. GHUGE, J.)