

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 2602 OF 2011
IN
FIRST APPEAL (STAMP) No. 13269 OF 2010

The Godavari Marathwada
Irrigation Development Corporation ...Applicant

Vs.

The State of Maharashtra and Others Respondents.

Ms. Chaitrali Deshmukh for Applicants
Mr. Yogesh Dabake -AGP for Respondent Nos.1 and 2.

CORAM: K.K. TATED, J.

DATED : JUNE 4, 2019

P.C. :

1. Heard learned counsel for the parties.
2. This application is preferred by The Godavari Marathwada Irrigation Development Corporation for joining them as Respondent in First Appeal filed by the State of Maharashtra.
3. Learned counsel for applicant submits that in the present proceeding, the Special Land Acquisition Officer issued Notification u/s 4 of the Land Acquisition Act dated 26.2.1998 for acquiring claimant's land, for minor irrigation tank. He submits that after following due process of law, the Special Land Acquisition Officer, passed Award dated 08.04.2000 and awarded

compensation in favour of claimants. He submits that said compensation was paid by applicant, being the acquiring body. He further submits that thereafter the claimants preferred reference u/s 18 of the Land Acquisition Act for additional compensation. He submits that the reference Court held that the claimants are entitled compensation in respect of acquired land at the rate of Rs.1,07,692/- per hector.

4. Learned counsel for applicant submits that the said Judgment and Award passed by the reference Court is challenged by the State of Maharashtra before this Court. He submits that the actual liability comes on applicant only, being the acquiring body. Therefore, it is necessary for them to join as a party in the present pending First Appeal, so that, they can protect their interest. Therefore, the applicant/acquiring body preferred present civil application for joining them as party.

5. The learned AGP Mr. Yogesh Dabake appearing for the State has no objection if the civil application is allowed.

6. Considering the submission made by learned counsel for the Applicants and the averments made in the civil application, I am satisfied that the Applicants have made out a case for allowing this civil application. Hence, following order:

ORDER

(A) Civil application is allowed in terms of prayer clause (a),

which reads thus:

- “(a) That the applicant/intervenor may be allowed to join as a party respondent in the abovesaid First Appeal.”
- (B) Appellants- State of Maharashtra to carry out appropriate amendment in First Appeal and pending application, if any, on or before 12th July, 2019 and serve copy to other side.
- (C) Civil Application stands disposed of accordingly.
- (D) No order as to costs.

(K. K. TATED, J.)