

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

WRIT PETITION NO. 1984 OF 2017

Pralhad S/o. Tukaram Jagtap,
Aged about 70 years, Occupation:
Agri. Labour, R/o. Morhavhan,
Tq. Risod, District : Washim.

.... **PETITIONER.**

// VERSUS //

1. Executive Engineer, Minor Irrigation
Division Washim, Distt. Washim.
2. Special Land Acquisition,
Officer No.2, Washim, Distt. Washim.
3. The Collector, Washim, Distt.Washim.

.... **RESPONDENTS.**

Shri V.K.Paliwal, Advocate for Petitioners.
Shri V.G.Palshikar, Advocate for Respondent No.1
Ms Shamsi Haider, A.G.P for Respondent Nos.2 and 3.

CORAM : Z.A.HAQ, J.
DATED : JANUARY 07, 2019.

ORAL JUDGMENT :

1. Heard learned advocates for the respective parties.

2. **RULE.** Rule made returnable forthwith.

3. The petitioner has filed Reference Petition under Section 18 of the Land Acquisition Act, 1894 which is pending since 2007. In these proceedings, the petitioner had filed an application (Exh.15) under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure seeking permission to amend the reference petition. This application (Exh.15) is partly allowed by the reference Court and the petitioner is permitted to correct the designation of the respondent. Paragraph No.8A of the proposed amendment by which the petitioner wanted to justify his claim for enhanced amount of compensation is rejected.

4. After hearing the learned advocates for the respective parties and considering the nature of the proposed amendment vide paragraph No.8-A, I am of the view that the same also should have been allowed as the petitioner can be granted opportunity to substantiate his claim for enhanced amount of compensation.

The impugned order is modified accordingly.

The writ petition is **disposed** in the above terms. In the circumstances, the parties to bear their own costs.

JUDGE

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