

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

**88 CIVIL APPLICATION NO.9006 OF 2019
IN FAST/27038/2018**

G.M.I.D.C., THR EX. ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD

VERSUS

THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicant : Ms.Rekha K. Laddha
AGP for Respondents-State : Mr.S.N.Morampalle
Advocate for Respondent No.3 : Mr.V.V.Ingale

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CORAM : K.K.SONAWANE, J.

DATE: 17th February, 2020

PER COURT:-

1. Mr.V.V.Ingale, learned counsel submits that he has instructions to appear on behalf of respondent No.3-claimant. He has tendered his Vakalatnama across the bar. The same is taken on record and marked as Exhibit-X for identification.
2. Heard learned counsel for the applicant-Acquiring Body and learned AGP for respondent-State Authorities as well as learned counsel for the respondent-claimant.
3. It has been contended that the applicant has filed present application seeking leave to present an appeal against the impugned Judgment and award passed by the learned Reference Court in Land Acquisition Reference (LAR) No.249 of 2007, dated 08.04.2013. According to learned counsel, applicant was not a party to LAR adjudicated by the Reference Court under Section 18 of the Land Acquisition Act, 1894. But, the Executive Engineer, Minor Irrigation Division, Osmanabad, was

impleaded as party respondent in the matter. Therefore, in order to avoid further complications, the applicant is seeking leave to present an appeal.

4. Perusal of the relevant documents produced on record including impugned Judgment and award passed by the learned Reference Court demonstrate that the Executive Engineer, Minor Irrigation Division, Osmanabad, was the party respondent in the Reference Petition. He was functioning under the aegis of applicant-Godawari Marathwada Irrigation Development Corporation, Osmanabad, which came to be established later on as per proclamation issued by the Government of Maharashtra. The change in the nomenclature, as an Corporation, does not make any difference and therefore, the Executive Engineer was already represented the applicant Corporation in the proceeding. Hence, there is no impediment to grant leave to the applicant to proceed further to file an appeal with application for condonation of delay. Accordingly, application stands allowed with directions to the Registry to take note of the same.

5. Application stands disposed of.

(K.K.SONAWANE)
JUDGE

SPT