

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

7 CIVIL APPLICATION NO.8525 OF 2020

IN

WRIT PETITION NO. 3547 of 2019

**MAHARASHTRA STATE ROAD DEVELOPMENT CORPORATION LTD
THROUGH EXECUTIVE ENGINEER**

VERSUS

ANILKUMAR DIGAMBARAO GHARULE AND OTHERS

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Advocate for Applicant : Mr. S. V. Adwant

AGP for Respondents/State: Mr. S. P. Sonpawale

Advocate for Respondent Nos.1, 5: Mr. A. B. Dhongade

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**CORAM : UJJAL BHUYAN &
M. G. SEWLIKAR, JJ.**

DATE : 15th March, 2021

P.C. :

. Heard learned counsel for the parties.

2. Maharashtra State Road Development Corporation Limited is the applicant in this Civil Application making a prayer for impleadment as a respondent in the related writ petition i.e. Writ Petition No.3547 of 2019.

3. The related writ petition has been filed by Anilkumar and 18 others for a direction to the respondents not to construct National Highway No.752-K from Jahirabad to Latur by taking over lands

belonging to the writ petitioners without following the due procedure as envisaged under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. Be stated that Union of India; State of Maharashtra; District Collector, Latur; Chief Engineer, Public Works Department, Latur Division; Sub-Divisional Officer and Land Acquisition Officer, Latur, as the Appropriate Authority; Shinde Developers Company – Contractor; Project Director of National Highway Authority of India (NHAI); Sub-Divisional Magistrate, Latur; and Superintendent of Police, Latur are the Respondents in the said writ petition.

5. According to the applicant, the aforesaid land was handed over to the applicant on and from 28.12.2018 for upkeep and maintenance. Interim order passed by this Court has affected its work. Therefore, it is submitted that it may be impleaded as a respondent in the related writ petition to bring on record necessary documents.

6. Original petitioners have filed reply affidavit objecting to the prayer made by the applicant. Stand taken in the reply affidavit is that relief is claimed against Union of India and State Government. No relief is sought against the applicant. Applicant is, therefore, neither a necessary party nor a proper party.

7. Submissions made have been considered.

8. We find that on 27.10.2020, this Court had passed an order directing that the respondents may not engage in construction activity increasing the width of the road by intruding into the lands of the original petitioners, clarifying that it would be open for the respondents to work on the existing road without increasing the width.

9. As per the own averment of the applicant in the Civil Application, on and from 28.12.2018, Executive Engineer of PWD had handed over the subject road to the applicant for upkeep and maintenance as the said road was declared to be a part of National Highway No.752K.

10. We have already noted the grievance of the original petitioners. Admittedly, the subject road is a National Highway and the constructing authority is the National Highways Authority of India. For land acquisition purpose, the Sub-Divisional Officer, Nilanga, District Latur is the Land Acquisition Officer and the Appropriate Authority under the National Highways Authority of India Act, 1956. In such circumstances, we are unable to visualize any role for the applicant in the *lis* presented before us by the original

petitioners. Applicant is neither a proper party nor a necessary party to the proceeding. In such circumstances, we are not inclined to accede to the prayer made by the applicant seeking impleadment as a respondent.

11. However, taking an overall view of the matter, we feel that if the applicant is in possession of relevant documents which can be of assistance to the Court in adjudication of the *lis*, it can, as an Intervenor, file affidavit in the present proceeding to bring on record such relevant documents. Beyond this, we do not see any role for the applicant in the present litigation.

12. Civil Application is disposed of.

13. List the writ petition on 6th April, 2021.

(M. G. SEWLIKAR, J.)

(UJJAL BHUYAN, J.)