

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

CIVIL APPLICATION NO.318 OF 2020

IN

FA/383/2018

KAMALBAI VASANTRAO ADARKAR

VERSUS

THE GMIDC AURANGABAD THR THE EXECUTIVE ENGINEER,
MINOR IRRIGATION DIVISION, OSMANABAD AND OTHERS

....

Mr. Vikas G. Kodale, Advocate for the Applicant
Mr. P.R. Tandale, Advocate for Respondent No.1
Mr. B.V. Virdhe, AGP for Respondent Nos.2 and 3

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 17th NOVEMBER, 2021

PER COURT:-

1. It is an application for intervention moved by the applicant.

2. Heard Mr. Vikas Kodale, learned counsel for the applicant, Mr. P.R. Tandale, learned counsel for respondent no.1 and Mr. B.V. Virdhe, learned AGP for respondent nos. 2 and 3. Mr. L.C. Patil, learned counsel appearing for respondent no. 4-A remain absent when matter is called out.

3. It is revealed during the course of argument that the applicant had purchased the acquired land / property from

respondent no.4 by registered sale deed dated 21.02.2003. The respondent authority later on decided to acquire the said land / property for construction of a storage tank. The applicant had pointed out such fact of purchasing the said land / property under acquisition to the concerned authority, but no response. The applicant had no knowledge of the proceedings before the reference Court and ultimately that reference came to be allowed in absence of the applicant. It seems that the applicant is the purchaser of the acquired land / property, and certainly, his right and interest need to be considered. The participation and involvement of the applicant in the present proceedings is necessary. With this, I conclude and proceed to pass the following order:

ORDER

- (i) The application is hereby allowed in terms of prayer clause 'B'.
- (ii) The civil application stands disposed of accordingly.

[SHRIKANT D. KULKARNI]
JUDGE