

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12302 OF 2017

Shri Mahadeo Shankar Mhatre]
 Since deceased through LRs &Ors.] .. Petitioners
 vs.
 Special Land Acquisition Officer-1] .. Respondent

Mr.Rajesh Parab, for Petitioner.
 Mr.Atul Vanarase, AGP for Respondent-State.

CORAM : N.R.BORKAR, J.**DATED : 7TH SEPTEMBER 2021.****P.C.:**

1] This Petition takes an exception to the order dated 26.07.2017 passed by the learned 2nd Joint Civil Judge, Senior Division, Alibag, below Exhibits 18 and 32 in L.A.R. No.1480/2000.

2] The Petitioner, on the basis of the will allegedly executed by one Mahadev Shankar Mhatre, who was one of the applicants in above said land reference sought permission by application at Exhibit 18 that they be allowed to come on record of said land reference as legal representatives of said Mahadev Mhatre. The trial Court rejected the application by order impugned.

3] The reference Court rejected the application on the ground that enquiry contemplated under Order 22 Rule 5 of the Civil Procedure Code, cannot be held by the reference Court. Considering the scope and ambit of the Section 18 of the Land Acquisition Act, no fault can be found with the order of the reference Court. In the result, Writ Petition stands dismissed.

[N.R.BORKAR,J]

Digitally
signed by
RAJSHREE
KISHOR
MORE
Date:
2021.09.21
09:53:31
+0530