

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2144 OF 2022

SYED SHAKILUDDIN SYED MOINODDIN AND OTHERS
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Shaikh Mujtaba Gulam Mustafa
AGP for Respondent – State : Mr. P.N. Kutti

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[CORAM : NITIN B. SURYAWANSHI, J.]
DATE : 8th April, 2022

ORDER :

. The petitioners are aggrieved by the order passed by learned 6th Joint Civil Judge (Senior Division) Aurangabad below Exh. 49 in Land Acquisition Reference No. 315 of 2007 filed by the petitioners under order I rule 10 of Civil Procedure Code for adding the petitioners as party respondents in said L.A.R.

2. The petitioners claim that they are original owners of the land under reference which is acquired by CIDCO and they are legal heirs of deceased Syed Tajoddin Syed Karimoddin. The reference No. 315 of 2007 is filed by the respondent No.3 for enhancement of compensation under

Section 18 of the Land Acquisition Act. The petitioners may be impleaded in the reference. The application filed by the petitioners was resisted by the respondent No.3 claiming that, the petitioners have not produced authentic document to show that they are legal heirs of late Syed Tajoddin. The Land Acquisition Officer has granted compensation in the name of the claimants after following due process of law. If the petitioners have any grievance, they can file separate proceeding and petitioners have no right to file such application in present proceedings.

3. The Trial Court, after hearing the parties and considering the citations placed before it, has rejected the application holding that there is no scope under the present land reference to add the parties, as the same is forwarded by SLAO. The application, therefore, is not tenable and the same is rejected.

4. The approach of the Trial Court appears to be just and proper. If at all applicant-petitioners have any grievance, they can file separate proceedings seeking enhancement of compensation. In that view of the matter there is no merit in

the challenge raised in this petition. No case is made out by the petitioners to warrant interference by exercising extraordinary writ jurisdiction of this Court.

5. Writ petition is dismissed, with liberty to petitioners, to file separate proceedings, if at all they have any grievance.

**[NITIN B. SURYAWANSHI]
JUDGE**