

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

901 CIVIL APPLICATION NO. 9337 OF 2014

IN

FIRST APPEAL NO.1125 OF 2019

WITH CA/9336/2014 IN FA/1125/2019

**THE EXECUTIVE ENGINEER, MAHARASHTRA JIVAN
PRADHIKARAN WORK DEPARTMENT NO.1 LATUR**

VERSUS

**GURUNATH VEERPAKSHA GOKULE (DIED) THROUGH LRS
SUMAN AND ANOTHER**

...

Mr. Sachin Randive, Advocate for the applicant.

Mr. V.G. Kodale, Advocate for respondent No. 1A.

Mr. A.A. Jagatkar, A.G.P. for respondent No. 2.

...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 25.08.2022.

ORDER:-

1. Heard rival submissions. The applicant Maharashtra Jeevan Pradhikaran (MJP), who has filed this appeal, is seeking addition of Chief Executive Officer (CEO), Zilla Parishad, Latur as a Party Respondent in this appeal, as the scheme in dispute was to be implemented by Zilla Parishad, Latur. However, it has also come on record by way of communication dated 18.07.2022 made to the learned Counsel standing for Zilla Parishad, Latur, that respondent No.2 Government is in fact under obligation to provide the funds in respect of payment of compensation in the instant matter. The Circular dated 10th September 2003 issued by the State of Maharashtra clearly speaks that there should not be any further reference of MJP as an Acquiring Body, since it is only an implementing body in respect of the schemes floated by the

Government. Further, the entire responsibility of providing funds for the compensation in respect of such schemes is of Government of Maharashtra under this Circular.

2. The learned Counsel for the Zilla Parishad, Latur submits that even after the addition of the said Zilla Parishad in this proceeding, the funds for paying the compensation are to be called from the Government of Maharashtra only. The learned A.G.P. submits that since the Zilla Parishad is a monitoring body, they will have to send proposal for release of funds in respect of the schemes which are already implemented.

3. Thus, it appears that the matter can be sorted out by adding Zilla Parishad, Latur as a party respondent, so that they can submit the proposal to the Government for releasing the payment of compensation sought by the original claimants. In view of the same, the Civil Application is allowed only in terms of prayer clause [B] and the appellant MJP is directed to add CEO, Zilla Parishad, Latur as party respondent No. 3 in the main appeal. The amendment be carried out within the stipulated period.

4. The Civil Application is accordingly disposed of. List the first appeal on 15.09.2022.

(SANDIPKUMAR C. MORE, J.)