

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.3946 OF 2022**

**MURLIDHAR SHAMRAO GHULE
VERSUS
THE UNION OF INDIA AND OTHERS**

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Mr. V. V. Ingale, Advocate for the Petitioner.

Ms. Nikita N. Gore, Advocate for Respondent Nos.1 and 2.

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**CORAM : SANDEEP V. MARNE, J.
DATED : 09th DECEMBER, 2022.**

PER COURT:-

1. By this petition petitioner challenges order dated 13.01.2022 passed by the Joint Civil Judge, Senior Division, Bhoom rejecting petitioner's application to add him as respondent in the Reference.

2. The Reference Court has recorded a finding that in absence of any objection being filed by petitioner to the Land Acquisition Reference, he cannot seek himself to be impleaded in the Land Acquisition Reference. To counter this finding, learned counsel for petitioner submitted before me that petitioner indeed filed his objection before the Land Acquisition Officer. Such objection has not been filed alongwith the petition. To give an opportunity to petitioner to produce the copy of such objection, petition was kept back. Accordingly, learned counsel for petitioner has placed on record letter dated 23.08.2016 submitted by petitioner to Land Acquisition Officer. Perusal of the said letter dated 23.08.2016 indicates following:

(i) In respect of lands at Survey Nos.678, 678-2 and 680, petitioner submitted that proceedings are pending with regard to

the sale deed executed between Kiran Yashwantrao Ghule and Tanaji Vishwanath Vishwekar in Washi Court and after decision of the said suit, he be paid compensation of his acquired land. There is no specific assertion by petitioner that he owns any share in the land bearing Survey No.678, 678-2 and 680. It is incomprehensible as to how pendency of suit between Kiran Yashwantrao Ghule and Tanaji Vishwanath Vishwekar was of any relevance for payment of compensation to petitioner. Therefore, petitioner was required to raise an objection before the Land Acquisition Officer specifying his right, title and interest in the property under acquisition which does not seem to have been raised.

(ii) In respect of land bearing Survey No.684 petitioner submitted that the land is jointly in his name and Kiran Yashwantrao Ghule and that, therefore, the compensation be paid by dividing the amount between duo. It appears that later, petitioner and Kiran Yashwantrao Ghule filed consent deed before Land Acquisition Officer and received his share of compensation with regard to Gut No.684. Therefore, so far as Gut No.684 is concerned, there is no question of any objection subsisting.

3. After considering the above position it is clear that there was no objection with regard to the acquired land at Gut No.684. So far as objection with regard to the land at Survey No.678, 678-2 and 680 is concerned, no specific share was claimed by petitioner in the land under acquisition. Therefore, on a proper reading of the entire letter dated 23.08.2016 it can safely be assumed that petitioner did not have any objection to the land under acquisition.

4. The Trial Court in my view has correctly arrived at a conclusion that petitioner did not raise any objection before the Land Acquisition Officer and therefore, he cannot have any locus to get himself impleaded in the Land Acquisition Reference pending for adjudication of rights between respondent no.3 and respondent no.16. There is no infirmity in the order passed by the Reference Court. The petition is devoid of merits. The same is dismissed without any orders as to cost.

5. Needless to say that, petitioner will have appropriate remedy to claim any share in the property by adopting appropriate proceedings before competent Court of law.

6. It appears that, on account of pendency of the present petition and grant of ad-interim relief by order dated 04.04.2022, the Reference has remained undecided. In fact by order dated 05.07.2018 direction was given to decide the Reference within a period of six months. Accordingly, Reference Court is requested to decide the same as expeditiously as possible and preferably within a period of three months from today.

(SANDEEP V. MARNE)
JUDGE