

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9006 OF 2022
IN REVIEW APPLICATION (CIVIL)(ST)/15422/2022
IN WRIT PETITION NO. 11057 OF 2021
WITH WRIT PETITION NO. 4684 OF 2022

RAMPYARI SATYANARAYAN JAISWAL
VERSUS
APPASAHEB SHESHRAO DIGHULE AND OTHERS

Mr. C.T. Jadhav h/f. Mr. S.S. Kulkarni, Advocate for applicant.
Mr. S.G. Sangale, AGP for Respondent – State.
Mr. B.B. Kulkarni, Advocate for Respondent Nos.3 and 5.
Mr. S.V. Adwant in W.P. No.4684 of 2022, Advocate for Respondent Nos.6 and 7.
Mr. M.R. Mundhe h/f. Mr. D.S. Manorkar in W.P. No.4684/2022, Advocate for Respondent No.4.
Mr. R.R. Bangar in W.P. No.4684/2022, Advocate for Respondent No.5.
Mr. A.P. Nahar h/f. Mr. A.P.Bhandari in W.P. 4684/2022, Advocate for Respondent No.15.
Mr. D.H. Jadhavar in W.P. No. 4684/2022 and in C.A. No. 9006/2022 for Respondent No.1, Advocate for Respondent Nos.12 and 13.

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CORAM : RAVINDRA V. GHUGE
& S.G. DIGE, JJ.
DATE : 29th July, 2022

ORDER :

1. By this application, the petitioner – applicant seeks

leave to intervene in writ petition No.11057 of 2021. This Court has already disposed off the writ petition by order dated 26th April, 2022.

2. We have considered the strenuous submissions of the learned advocate for the applicant and the learned advocate representing the respondents.

3. By order dated 26th April, 2022, we had recorded the statement of the parties before us in the petition that, there was a re-measurement of acquired lands and a corrected Annexure-16 was published. Amongst the litigating parties, the National Highway Authority of India and the Competent Authority (Land Acquisition), were before us. The applicants submit that, the said statement is false and there is no re-measurement or corrected Annexure-16.

4. The applicant has preferred Writ Petition No.4684 of 2022, wherein it is prayed that, measurement of the petitioner's land be directed for asserting the exact location and land owned by the petitioner, area wise and

for boundary marking. There is no dispute that, the authority under Section 3H(4) of the National Highways Act has referred the dispute to the Competent Court and has also transferred the amount to the said Court, which is the learned Civil Judge, Senior Division, Aurangabad.

5. In view of the above, we had observed in paragraph No.5 that, respondent No.3 would pass an appropriate order for distributing the compensation amount to the petitioners i.e. Appasaheb Sheshrao Dighule and Ashok Nathmal Gelda, only if there is no legal impediment and only after receiving the amount from the learned Civil Judge, Senior Division, Aurangabad.

6. We are informed by the learned advocate for the Union of India that, the amount has not been distributed as the same is lying with the learned Civil Judge, Senior Division, Aurangabad. The learned advocate representing the Review applicant, confirms that, the said amount has not been withdrawn by the petitioners.

7. Considering the above and since the petition filed by

the two petitioners, namely Appasaheb Sheshrao Dighule and Ashok Nathmal Gelda, has been disposed off, since there was no purpose in entertaining the same, we do not find any purpose in entertaining this Civil Application seeking intervention in the disposed off writ petition. The Civil Application is, therefore, disposed off.

8. Needless to state, since the applicant has herself preferred a separate writ petition No. 4684 of 2022, she is at liberty to canvass her case as and when her petition is listed before the Court.

9. In the light of above, the Review Petition does not survive and stands disposed off.

(S.G.DIGE, J.)

(RAVINDRA V. GHUGE, J.)