

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

902 WRIT PETITION NO.7366 OF 2023

REKHA NITIN SAKLECHA
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND OTHERS

Mr.S.V.Kurundkar, Advocate for the Petitioner.
Mr.S.B.Yawalkar, AGP for the Respondent/State.
Ms.Sudha S.Chintamani, Advocate for the Union of India.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : JULY 11, 2023

PER COURT :

1. Having heard the learned Advocates for the respective sides, it is apparent that the Petitioner has purchased 4435.91 Sq.Ft of land from Sheshrao Rakhmaji Kale in Gat No.216 at village Tisgaon, Tal and Dist. Aurangabad. The record indicates that the competent authority has referred the dispute to the competent Civil Court in view of the controversy with regard to the apportionment of compensation to the title holders. Sheshrao Kale is shown to be the owner of 3824 Sq.Mtrs and the compensation payable to him is Rs. 2,76,85,420/-. By the order dated 30.04.2019, the entire dispute is referred to the Civil

Court and the amount of compensation is also transmitted to the said Court.

2. The learned Advocate for the Petitioner submits that she is not a party to the said proceedings. She, however, concedes that her share is on account of the purchase from Sheshrao Rakhmaji Kale. Prima facie, the revenue record indicates that the name of Sheshrao is still found in the said revenue records.

3. The learned Advocate for the Petitioner submits that her share cannot be overlooked and though the competent authority has referred the matter to the Competent Court of original jurisdiction, the Petitioner's share cannot be subject matter of payment of compensation to Sheshrao Kale, who is predecessor in title. She prays for liberty to intervene in the pending Civil proceedings.

4. In view of the above, **this petition is disposed off** with liberty to the Petitioner to move an application in the pending proceedings before the competent Court of original jurisdiction, seeking liberty to be arrayed as one of the defendant/opponent. The Trial

Court would consider the above recorded facts and would pass an order on the merits of the application after granting an opportunity of hearing to all the stake holders.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)