



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

13 CIVIL APPLICATION NO. 11811 OF 2023

IN FA/496/2023 WITH CIVIL APPLICATION NO. 17022 OF
2022 IN FA/496/2023 WITH CIVIL APPLICATION NO. 13331
OF 2023 IN FA/496/2023

NANASAHEB DYANDEV JATKAR

VERSUS

THE EXECUTIVE ENGINEER IRRIGATION PROJECT
STRENGTHENING DIVISION OMERGA TQ OMERGA AND ORS

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Advocate for Applicant : Mr. Naiknavare Ramesh Vitthal.

AGP for Respondents-State : Mrs. R. R. Tandale.

Advocate for Intervenor : Mr. S. P. Salgar.

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CORAM : S. G. MEHARE, J.

DATE : 09.02.2024

PER COURT :-

1. Civil Application No.13331 of 2023 is for intervention. This Court has directed the applicant to deposit Rs.1,00,000/- to show his bonafide. However, he was not responding to the counsel. Hence, learned counsel produced him before the Court. The applicant is present in person has been questioned, “whether his or his grandfather’s name was shown in the record of rights about the field acquired ?” So, he is saying that there was certain partition. However, he concedes that his name is not in the record of rights. Hearing him, it appears that he has little bit interest. He may have a share in the family property, but the sole remedy for such dispute is the civil suit.

Prima facie, the applicant appears to have no interest in the property acquired. However, he is at liberty to approach the appropriate Court.

2. As per the Court orders, he has shown his inability to deposit the money. Even if, he is allowed to deposit the money by installments, no purpose would be served. *Prima facie*, he has no document to show that he or his family has interest in the property. His grievance appears that only 2R. land is granted, but the award is passed for 2 Hectar.

3. Learned counsel Ms. Shelke for acquiring body to take note of this fact and point out it during the course of appeal.

4. For the above reasons, civil application for intervention stands dismissed.

5. Learned counsel Ms. Shelke for acquiring body is not available. Hence, the matter is adjourned.

6. Stand over 15.03.2024.

(S. G. MEHARE, J.)

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vmk/-