

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12437 OF 2024

Vithal Govindrao Mangnale

VERSUS

The State Of Maharashtra Through Dy Collector And Land
Acquisition Officer And Others

- Mr. Shreyas Deshpande a/w Mr. C. B. Chaudhari,
Advocate for the Petitioner
- Mr. S. B. Jadhavar, AGP for the Respondent No.1/State

CORAM : R.M. JOSHI, J

DATE : NOVEMBER 19, 2024

PER COURT :

1. Learned Counsel for the Petitioner submits that the learned Reference Court in ignorance of the relevant facts has passed impugned order directing the Respondents to be joined as party to the said proceedings bearing LAR No. 52/2020. He drew attention of the Court to the contention of the Respondent before the Reference Court that on the basis of partition deed dated 11.02.2013 he seeks right, title and interest in the suit property. Whereas, in the Writ Petition bearing no. 5781/2022 the very same Respondent has denied execution of any partition deed in the year 2013. Apart from this, it is his contention that the subject property has been purchased by the Petitioner

herein under a registered sale deed dated 19.07.2005. Thus, it is his contention that the order impugned deserves to be stayed.

2. *Prima facie* perusal of the record indicates that inconsistent stands are taken by the Respondents in respect of partition deed which is otherwise unregistered document. As against this, there is registered document in favour of Petitioner executed on 19.07.2005. Having regard to these facts, issue notice to Respondents, returnable on 21.01.2025. Learned AGP waives service of notice on behalf of Respondent No. 1/State. Till next date, there shall be stay to the impugned order.

3. In addition to usual mode of service, Petitioner is at liberty to serve Respondents by any other permissible mode of service and to file affidavit of service before next date.

(R.M. JOSHI, J.)