



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO. 6318 OF 2022

SHIVAJI TRIMBAK ZINE
VERSUS
THE LAND ACQUISITION OFFICER AND OTHERS

Mr. R. D. Biradar, Advocate for the petitioner
Mr. D. B. Bhange, AGP for the respondent/State
Mr. H. V. Tungar, Advocate for respondent No. 7 to 9
Mr. A. V. Patil, Advocate for respondent No.10

CORAM : R. M. JOSHI, J.
DATE : 21st MARCH, 2025

PER COURT :-

1. None present for the respondent Nos.3 to 6 in spite of service of notice. Their absence indicates that they have no inclination to oppose the petition.
2. This petition takes exception to the order passed below exhibit 23 in L.A.R. No. 209/2015, whereby the application filed by respondent Nos.3 to 6 under Order 1 Rule 10 of the Code of Civil Procedure (for short 'CPC') came to be allowed.
3. Learned counsel for the petitioner has placed reliance on the judgment of the Hon'ble Supreme Court in case of *Smt. Ambey Devi Vs. State of Bihar and another, AIR 1996 SC 1513*, in order to contend that the procedure prescribed under Order 1 Rule 10 of CPC would not apply

to the proceedings under Sections 18 and 30 of the Land Acquisition Act.

4. Impugned order indicates that an application filed under Order 1 Rule 10 of the CPC came to be allowed at the instance of the persons who were not party to the reference made by the Competent Authority before the Reference Court.

5. In view of the position of law settled by the Hon'ble Supreme Court in case of *Smt. Ambey Devi Vs. State of Bihar and another* (supra) order impugned cannot sustain. Hence, set aside. Exhibit 23 stands dismissed.

(R. M. JOSHI, J.)

ssp