



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

45 WRIT PETITION NO. 3865 OF 2022
WITH
CIVIL APPLICATION NO. 6825 OF 2024 IN WP/3865/2022

RAMA HARI ZAWAR (DECEASED) THROUGH HIS L.RS. SANJAY
RAMNARAYAN ZAWAR AND OTHERS
VERSUS
NATIONAL HIGHWAY AUTHORITY INDIA THROUGH ITS PROJECT
DIRECTOR AND ANOTHER

...
Mr. Vijay B. Patil – Advocate for Petitioners
Mr. D.S. Manorkar – Advocate for Respondent No.1
Mr. A.G. Talhar a/w. Mr. Darshan Sahuji – Advocate for Respondent No.2
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 08.12.2025

PER COURT :

1. Heard learned Counsel for the respective parties.
2. The petitioners challenge the order dated 22.10.2021 passed below Exhibit 10 in Civil Misc. Application No.31/2021 by the learned Principal District Judge, Jalgaon.
3. Learned Counsel for the petitioners submits that the provisions of the National Highways Act and the Land Acquisition Act are applicable in the present matter and therefore a reference is maintainable. He further submits that the application filed by respondent No.2 seeking addition of a party was not maintainable.

4. Per contra, learned Counsel – Mr. A.G. Talhar for respondent No.2 submits that respondent No.2 is a necessary party. He further submits that issue involved in the present petition is identical to the issue raised in Writ Petition No.9004/2022. The paragraph 4 and 5 of the said petition are read as under :

“4. The learned Court has placed reliance on judgment of this Court in the matter of Hafix Ismail shaikh & Ors. Vs. Special Land acquisition Officer and Ors. reported in (2005) 3 Mh.L.J. 232 to hold that provisions of Order I Rule 10 cannot be invoked any reference proceeding under Section 18 of the Land Acquisition Act for addition of parties.

5. In the matter of Hafix Ismail Shaikh & Ors.(supra) reference was filed by respondent no.2. The reference was only with respect to share of the respondent no.2. In this context it is held that unless reference is made under Section 18 of the Land Acquisition Act there is no right to claim enhancement of compensation. The petitioners claiming to be co-owners filed application under Order I Rule 10 for addition of their names as parties. The application was contested by respondent no.2. However, as stated above, there is no dispute between the co-owners in the present case. In fact application for addition of parties is filed by petitioner no.2 who is already party to Section 18 reference. Likewise, reference filed pertains to entire land and therefore no prejudice will caused to the State and Acquiring Body if application is allowed. The application, if allowed will not adversely affect rights of any party to the proceeding.”

5. In view thereof, I am not inclined to allow the present petition. The Writ Petition stands dismissed.

6. In view of the dismissal of the Writ Petition, pending Civil Application No.6825 of 2024 also stands disposed of.

[SIDDHESHWAR S. THOMBRE]
JUDGE

Pooja Kale/