

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

941. WRIT PETITION NO.9004 OF 2024

1. Sushilabai Raman Patil
Age: 68 years, Occu: Household
 2. Sunil Raman Patil
Age : 42 Years, Occu : Agril.
Both R/o. Ghodasgaon,
Tq. Shirpur, Dhule
 3. Sangitabai @ Sunita Bhagwan Patil
Age : 40 Years, Occu: Household
R/o. Bhokar,
Tq. and Dist. Jalgaon
 4. Venubai @ Bebabai Anil Patil
Age : 45 Years, Occu: Household
R/o. Savkheda BK,
Tq. and Dist. Jalgaon
- ...Petitioner

VERSUS

1. The State of Maharashtra
Through its District Collector, Dhule.
 2. Deputy Collector/Special Land
Acquisition Office, Dhule
 3. Tapi Irrigation Development Corporation,
Dhule, Through its Executive Engineer,
Nimna Tapi Prkalp division,
Amalner, Dist. Dhule
- ...Respondents

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Mr. Vijay B. Patil, Advocate for the Petitioner
Dr. K. B. Patil-Bharaswadkar, AGP for Respondents/State
Mr. Ajay D. Pawar, Advocate for Respondent No.3.

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CORAM : ROHIT W. JOSHI, J.

DATED : 9th JULY 2025

ORAL JUDGMENT :-

1. Petitioner no.1 is mother of petitioner nos.2 to 4. The land of the petitioners came to be acquired under the provisions of the Land Acquisition Act.

2. Petitioner nos.2 to 4 had executed a document dated 12.08.2022 titled as 'Sammati Pratidnya Patra; i.e. consent affidavit *inter alia* stating that they did not have any objection for their mother, petitioner no.1 receiving the entire amount of compensation payable for the acquired land. Thereafter, at the behest of petitioner nos.1 and 2 reference for enhancement of compensation awarded by the land acquisition was made under Section 18 of the Land Acquisition Act. This reference came to be registered as LAR No.04/2022.

3. In this pending reference proceeding petitioner no.2 filed an application dated 21.11.2023 below Exhibit 31/D praying that the names of his sisters i.e. petitioner nos.3 and 4 be added as petitioners/applicants in the reference proceeding. This application came to be rejected by the learned reference court vide order dated 19.04.2024.

4. The learned Court has placed reliance on judgment of this Court in the matter of ***Hafiz Ismail shaikh & Ors. Vs. Special Land acquisition Officer and Ors.*** reported in ***(2005) 3 Mh.L.J. 232*** to hold
Narwade

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 be 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.

6. The distinguishing features in the present case are that the petitioner nos.1 and 2 who are mother and son had made reference with respect to the entire acquired land; the share of sisters who are now sought to be added as parties are not separated; the application for addition of party is filed by petitioner no.2 who is already

applicant no.2 in the reference proceedings; and that there is no dispute between the co-owners.

7. In view of the aforesaid, the Writ Petition is allowed. Order dated 19.04.2024 passed by the learned 4th Joint Civil Judge Senior Division, Dhule on application below Exhibit.31/D in LAR No.04/2022 is quashed and set aside and Application below Exhibit 31/D for addition of names of petitioner no.3-Sangitabai @ Sunita Bhagwan Patil and petitioner no.4-Venubai @ Bebabai Anil Patil as applicants in LAR No.4/2022 is allowed.

[ROHIT W. JOSHI, J.]