



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 FIRST APPEAL NO. 217 OF 2025

THE CHIEF OFFICER RAVER MUNICIPAL
COUNCIL RAVER, JALGAON

VERSUS

THE S.L.A.O. RESERVATION O. 59, JALGAON AND ORS

...

WITH

CIVIL APPLICATION NO. 11655 OF 2021
IN FA/217/2025

.....

Advocate for the Appellant : Mr.Kakade Amol N .

AGP for Respondent/State : Mr.D.B.Bhange

Advocate for Respondent No.3 : Mr.A.B.Kale

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CORAM : SHAILESH P. BRAHME, J.

DATE : 06th AUGUST 2025

PER COURT :

. Though present appeal is listed in await record category, it is informed by learned counsel Mr.Kakade that the main ground of objection in the appeal is that the acquiring body was not a party before the reference court.

2. It's a settled law that acquiring body is a necessary party and any judgment passed without hearing it would amount to gross violation of principles of natural justice. A useful reference can be made to the judgment of the Supreme Court in the matter of **N.T.PC Ltd. Vs.State of Bihar** reported in 2004 (12) SCC 96 and judgment of this Court in the matter of **Vidarbha Irrigation Development**

Corporation vs.Sadanand Damodhar Mawale and Ors. in First Appeal No.91 of 2010 decided on 10.02.2010.

3. In that view of the matter, First Appeal is allowed by quashing and setting aside award dated 20.01.2014 passed in L.A.R No. 559 of 2004 by Learned Civil Judge Senior Division, Jalgaon.

4. Matter is remitted to the reference court for deciding it afresh by impleading the appellant as party Respondent No.3.

5. The parties would be at liberty to file additional pleadings and to lead evidence.

6. Needless to mention that the amount received by the respondents/claimants shall be adjusted and shall be subject to the outcome of the reference court.

7. Parties shall appear on 25.08.2025.

8. Office is directed to intimate the reference court forthwith that record and proceedings are not required.

[SHAILESH P BRAHME, J.]

vsj..