

varsha

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 8644 OF 2025
WITH
INTERIM APPLICATION(ST) NO. 17930 OF 2025
WITH
INTERIM APPLICATION(ST) NO. 17931 OF 2025
IN
FIRST APPEAL (ST) NO. 17927 OF 2025**

Kashinath Krushna Mhatre ... Applicant

vs.

The State of Maharashtra and Ors ... Respondents

Mr. Gautam T. Kanchanpurkar a/w. Ms. Priya A. Patil, for Applicant.

Mr. Amol B. Patil, for Respondent Nos. 64 and 65.

Mr. Shilpa G. Talhar, AGP for Respondent-State.

CORAM : GAURI GODSE, J.

DATED : 17th OCTOBER 2025

ORDER:

INTERIM APPLICATION NO. 8644 OF 2025

1. This application is filed seeking leave to file an appeal to challenge the order passed by the civil court in the land acquisition reference filed by respondent nos. 3 to 5 under Section 28-A(3) of the Land Acquisition Act.

2. Learned counsel for respondent nos. 3 to 5 raises preliminary objection that the applicant who are not parties to the land acquisition reference would not be entitled to file an appeal to challenge the order passed in the reference. To support his submissions, learned counsel for respondent nos. 3 to 5 relied upon the decision of the Hon'ble Apex Court in the case of ***Sharda Devi Vs. State of Bihar and Anr***¹. He submits that the Hon'ble Apex Court has explained the scope of the provisions of Sections 18 and 30 of the Land Acquisition Act.

3. In view of the well settled legal principles, learned counsel for the applicants on instructions seeks leave to withdraw this application and the first appeal with liberty to file an appropriate application before the appropriate authority raising grievances as made in this application and the appeal.

4. In view of the well settled legal principles by the Hon'ble Apex Court in the case of ***Sharda Devi***, I see no impediment to grant the leave with liberty as prayed by the applicant.

5. Hence, the application and the first appeal are disposed of as withdrawn with liberty to the applicant to file appropriate application before appropriate authority as permissible in law raising the

¹ (2003) 3 SCC 128

grievance as raised in this application and the first appeal.

6. It is clarified that all rival contentions of the parties on the merits are kept open.

7. To enable the applicant to seek appropriate interim protection in the proceedings proposed to be filed, the interim protection granted by this court on 20th August 2025, shall continue for a period of six weeks from today.

8. The applicant would be entitled to apply for a refund of the court fees as per the rules.

9. Interim Applications and the first appeal are disposed of in the aforesaid terms.

(GAURI GODSE, J.)