



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

First Appeal No.865/2024

Area General Manager, WCL, Nagpur V Dattu and others

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. C.S. Samudra, Advocate for appellant.
 Mr. V.P. Khobragade, Advocate for resp. no.1 (A) to 1(C).
 Mr. Joshi, AGP for resp. no.2.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 13-01-2026.

Heard learned Counsel for the appellant as well and learned Counsel for the respondents.

2. By this appeal, the appellant has challenged judgment and decree dated 17-05-2019 passed by the reference Court in Land Acquisition Case No.182/1994, raising several grounds including that the reference Court has decided the reference case without the acquiring body being impleaded as party respondent. The appellant's primary prayer in prayer-(A) of the appeal is as follows :

"A) Quash and set aside the Judgment and Decree dated 17.5.2019 passed in Land Acquisition Case No.182/1994, Dattu .vs. Special Land Acquisition Officer, by 14th Jt. Civil Judge, Sr. Dn., Nagpur (Shri D.M. Mata), in entirety and remand the matter back to the Reference Court with a direction to the Respondent Nos.1A to 1C and Respondent No.2 to implead the Appellant, the acquiring body, in the proceedings and decide the Reference on merits afresh thereafter."

3. Learned Counsel for the appellant submits that in view of the position of law as laid down by the Hon'ble Supreme Court in the matter of *U.P. Awas Evam Vikas Parishad vs Gyan Devi (dead) by L.Rs. and another*, reported in *AIR 1995 SC 724*, the appellant acquiring body

was required to be impleaded as party respondent and since the enhancement of a huge amount is granted by the reference Court, the matter needs to be remanded for fresh consideration.

4. Learned Counsel for the respondent does not dispute the legal position and also the fact that the acquiring body was not impleaded as party respondent.

5. Having regard to this limited controversy, matter needs to be remanded to the reference Court for deciding it afresh after impleading the appellant/acquiring body as party respondent. In view of this, the impugned judgment and decree dated 17-05-2019 passed by the reference Court in LAC No.182/1994 is quashed and set aside. The matter is remanded to the reference Court for fresh decision after giving an opportunity of hearing to all the parties concerned.

6. The reference Court is directed to expeditiously decide the reference case, preferably within a period of three months from the date of receipt of copy of this order.

7. Appeal is accordingly allowed and disposed of.

(Prafulla S. Khubalkar, J.)