

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

WP NO.1207 of 2015

6 WRIT PETITION NO. 1207 OF 2015

Sanjay s/o Bhaurao Khadke,
Age: 42 years, Occu: Business,
r/o Itkheda, Tq. & Dist. Aurangabad.

...PETITIONER

VERSUS

The State of Maharashtra and others.

...RESPONDENTS

...
Advocate for Petitioner : Mr. Shinde Balaji S.
AGP for Respondents State : Mr. S.G.Karlekar.

...
CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: October 07, 2015

PER COURT :-

1) The Petitioner is praying for issuance of direction in respect of conducting an inquiry against the respondent No.4 on the basis of complaints lodged by the Petitioner alleging therein that respondent No.4 has wrongfully disbursed the amount of compensation to the claimants who are not parties to the Petition.

2) It is not a matter of the dispute that, the Petitioner presented a suit claiming partition of the properties in the year 2012, impeaching the sale transactions effected by his father during the year 2001 and 2009 on the ground that, his father was addicted to vices and in order to satisfy his immoral needs, he has

agp/-

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disposed of the ancestral properties.

3) On earlier occasion, the Petitioner had knocked the doors of this Court by presenting writ petition No.7597/2014. On 28th August, 2014, while disposing of the said Petition, this court has observed in paragraph Nos. 4 to 6 of the order as below:

"4. At this stage of the proceedings, it would not be necessary to consider as to whether prayers made by plaintiffs in the suit are liable to be favourably considered or as to whether suit is presented within prescribed period of limitation. It would be for the trial Court to look into the matter and pass appropriate orders. The land covered by the sale instances, which is subject matter of the suit, is stated to have been acquired by the State and award has also been declared. Petitioner herein has objected to disbursement of amount of compensation by presenting an application to the Collector, which has been turned down. Although suit is presented in the year 2012, there is no interim order issued by the trial Court injunctioning the parties from withdrawing the amount of compensation.

5. The petitioner states that an application is moved to the Civil Court and same is pending. It would be open for the petitioner to make a suitable request to the Civil Court and claim order of injunction restraining the Land Acquisition Officer from permitting withdrawal of compensation amount by the purchasers. It would also be open for the Civil Court to look into the merit of the contentions made by the petitioner and if petitioners succeed in substantiating their contentions, to pass appropriate order.

6. So far as instant petition is concerned, request for issuance of directions sought for by the petitioner restraining the Land Acquisition Officer from disbursing the amount of compensation to the Respondents, need not be considered and issue of disbursement would be dependent upon the order which may be passed by the Civil Court in the pending application."

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4) It has been pointed out that the Petitioner moved an application to the Civil Court seeking an injunction order in respect of disbursement of amount and ad-interim order was issued by the Civil Court on 15.09.2014, however, before issuance of the interim order, the amount of compensation was already disbursed.

5) Prima facie, we do not find any irregularity in the actions of the Respondents. The Petitioner may have entitlement to the amount of compensation in the event he succeeds in the suit presented by him in the Civil Court.

6) At this stage of the proceedings, no interference is called for in the Petition. The Petition is devoid of substance, and hence stands rejected.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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