

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5883 OF 2014

Versus

Mr. Ajay Khaire a/w Mr. Roopadaksha Basu i/by M/s. Law Point, for the
Petitioner.

**CORAM : A.S. OKA &
V.L. ACHLIYA, JJ.**

DATE : 20th OCTOBER, 2015

P.C.

Heard the learned counsel appearing for the Petitioner and the learned AGP for the Respondents. Rule. The learned AGP waives service. Considering the short controversy involved, the Petition is forthwith taken up for final disposal as directed under order dated 31st October, 2014.

2. We have perused the affidavit of Shri Sahebrao M. Gaikwad, the Deputy Collector (Land Acquisition) Pune. It will be necessary to make a reference to letter dated 2nd August, 2012

addressed by the learned District Judge – 5, Pune to the District Collector of Pune. It records that the Arbitration Case Nos.2 and 3 of 1969 are pending for last 43 years. It is pointed out that lastly the Extra Joint District Judge, Pune was appointed as Arbitrator and thereafter no Arbitrator has been appointed. The letter discloses that from time to time, the District Judges at Pune were appointed as Arbitrators. Therefore, by the said letter dated 13th August, 2012, the learned District Judge – 5 requested the Collector to make appointment of an Arbitrator.

3. The letter dated 31st December, 2014 annexed to the affidavit of Shri Sahebrao M. Gaikwad shows that the District Collector requested the Revenue and Forest Department of the State Government to appoint an Arbitrator under Section 37(2) of Defence Act, 1932. The Collector has stated that the Arbitrator has to be appointed by the Revenue Department.

4. The last paragraph of the affidavit of Shri Sahebrao M. Gaikwad shows that he has submitted to the orders of this Court. Hence, we dispose of the Petition by passing the following order :-

ORDER

- (i) We direct the State Government under the Revenue Department to nominate an Arbitrator in Arbitration Case Nos.2 and 3 of 1969 as expeditiously as possible and in any event on or before 30th November, 2015;
- (ii) Advocate for the Petitioner to submit an authenticated copy of this order to the office of the Principal Secretary of the Revenue Department of the Government of Maharashtra who shall act upon the same;
- (iii) Rule is made absolute on above terms;
- (iv) For reporting compliance, the Petition shall be listed on 10th December, 2015 under the caption of Directions.

(VL. ACHLIYA, J)**(A.S. OKA, J)**