

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

WRIT PETITION NO. 1354/2015

(Shri Tukaram s/o Vithu Nagrale and others vs. Western Coalfields Ltd. And others)

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

Court's or Judge's order

Mr. M.M.Agnihotri, Advocate for petitioners
Mr. C.S.Samudra, Advocate for respondents 1 and 2

**CORAM : SMT.VASANTI A. NAIK &
A.I.S.CHEEMA, JJ.**

DATED : 1st September, 2015.

Heard.

By this petition, the petitioners seeks a direction to
the respondent nos.1 to 4 to forthwith release the
compensation towards the acquired land.

The petitioners claim to be the owners of
agricultural land admeasuring 11 acres and 33 gunthas.
According to the petitioners, the respondent no.3 wrongfully
claimed title to the land of the petitioners though the
respondent no.3 does not possess any title deed. According to
the petitioners, the petitioners are entitled to compensation for
the said land and the Civil Court has rejected the application
of the respondent no.3 for temporary injunction in a suit filed
by him.

Mr.C.S.Samudra, the learned counsel for the
respondent nos.1 and 2 states that the compensation payable
towards the acquisition of the land Survey Nos. 16/1, 16/2,

16/3 and 16/4 of Mouza Danoda has been deposited before the Special Tribunal under the provisions of the Coal Bearing Area (Acquisition and Development) Act, 1957 at Nagpur, on 28.7.2015.

Since there is a dispute in regard to the ownership and title to the acquired land between the petitioners and the respondent no.3, it would not be proper for this Court to direct the respondent nos.1 and 2, especially in exercise of the writ jurisdiction, to pay the compensation to the petitioners. Since the Civil Suit between the petitioners and the respondent no.3 is pending, the issue of title could be decided in the same. Since the Respondent nos. 1 and 2 have deposited the amount payable to the claimants towards acquisition of the land, the said amount needs to be deposited in a fixed deposit of a nationalised bank so that whosoever is entitled to the said compensation would be entitled to receive it with interest.

Hence, we dispose of the Writ Petition with a direction to the Special Tribunal, Nagpur to place the amount deposited by the respondent nos.1 and 2 on 28.7.2015 in a fixed deposit account of a nationalised Bank.

Order accordingly. No. costs.

JUDGE

JUDGE

sahare