

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

WRIT PETITION NO.3447 OF 2014

(Subhash Nabhaji Talwekar & others Vs. The State of Maharashtra & others)

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

Court's or Judge's orders

*Corrected as per order
dt.12/8/15 on pursis St.8428/15.

Shri A. R. Ingole, Advocate for the petitioner.
A.G.P. for respondent Nos. 1 & 3.
Shri G. E. Moharir, Advocate for respondent No.s-2 & 4.*
*Shri D. M. Kale, Advocate for Respondent No.2.

**CORAM : SMT. VASANTI A. NAIK AND
A. M. BADAR, JJ.**

DATED : 24th JULY, 2015

By this petition the petitioners seek a direction to the respondents to grant compensation to the petitioners in pursuance of the provisions of Section 10(d) of the Indian Telegraphs Act, 1885. A direction is sought against the respondent No.3-Collector to ascertain the amount of compensation payable to the petitioner.

The respondent Nos. 3 and 4 have filed an affidavit-in-reply. It is stated in the affidavit-in-reply that agreements and consent letters were executed by the petitioners and the amount due and payable to the petitioners towards compensation was paid to them. Several documents are annexed to the affidavit-in-reply to point out that the petitioners have received the compensation from the respondent No.4.

The learned Counsel for the petitioners disputes the statement made in the affidavit-in-reply of the respondent No.4. If that is so, it would not be possible for this Court to decide the issue of payment of compensation to the petitioners in exercise of writ jurisdiction, more so, when voluminous documents are tendered by respondent No.4 on record to point out that the petitioners have indeed received the compensation. The petitioners are free to avail the appropriate remedy, if advised.

The writ petition is disposed of. No order as to the costs. The points raised in the petition are kept open.

JUDGE

JUDGE