

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

WRIT PETITION NO.5428 OF 2013

**Iqbal Ahmed s/o Mushtaque Ahmed ..vs.. The Chairman,
Maharashtra Airport Development Co. Limited, Nagpur and ors**

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

Court's or Judge's order

Shri Tekade, Adv. h/f Shri S.K. Mishra, counsel for the
petitioner.

Shri S.Y. Deopujari, counsel for R-1.

None appears for R-2.

Shri D.M. Kale, AGP for R-3.

CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.

DATE : JANUARY 8, 2015.

Heard Shri Tekade, Adv. h/f Shri S.K. Mishra, learned counsel for the petitioner, Shri S.Y. Deopujari, learned counsel for respondent No.1, Shri D.M. Kale, learned Assistant Government Pleader for respondent No.3. None appears for respondent No.2 though he is served.

Shri Tekade, learned counsel, submits that the grievance of the petitioner will be redressed if a direction in terms of prayer clause A-1 of the writ petition is issued.

Shri Deopujari, learned counsel, has no objection of issuance of such direction.

Learned Assistant Government Pleader submits that he is still awaiting instructions.

The facts show that the land has been acquired by respondent No.1 and its compensation in terms of Section 11 of the Land Acquisition Act, 1894 has also been disbursed. As per the policy decision, some *ex-gratia* amount was to be paid and respondent No.1 has decided to pay it to the present petitioner on 1.12.2012.

Respondent No.2 has then appeared before respondent No.1 and raised his objection. It is not in dispute that respondent No.2 has filed Special Civil Suit NO.811 of 2012 before the learned Seventh Joint Civil Judge Senior Division, Nagpur and it is still pending.

Because of the pendency of the civil dispute, respondent No.1 while depositing *ex-gratia* amount with respondent No.3, the Land Acquisition Officer, has sent communication dated 28.2.2013 and pointed out the pendency of the civil suit.

It is, therefore, obvious, that respondent No.3 being the competent Authority has to disburse the amount of compensation to the persons entitled to receive it. He has to take

that decision in accordance with law. Interest of justice can be met with by directing respondent No.3 to take said decision within a period of eight weeks.

With this direction, we dispose of the writ petition with no order as to costs.

JUDGE

JUDGE

!! BRW !!