

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 1216 OF 2016

Smt. Gajrabai Atmaram Patil
Through her legal heir and representative
Shri Madhavrao Dadasaheb Patil

.. PETITIONER

VERSUS

State of Maharashtra
& another

.. RESPONDENTS

Mr. S.B. Madde, advocate for petitioner.
Mr. S.B. Pulkundwar, AGP for the State.

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**CORAM : R.M. BORDE &
A.I.S. CHEEMA, JJ.
DATE : 1st MARCH, 2016.**

PER COURT :

1. Petitioner is praying for issuance of directions to respondents to make payment of enhanced amount of compensation determined in Land Acquisition Reference No. 334/2005 by the learned Jt. Civil Judge, Senior Division, Omerga, vide judgment and award dated 4th April, 2008.

2. Petitioner Gajrabai is represented by her legal heir Madhavrao Patil who claims to be nephew of deceased Gajrabai. The land belonging to Gajrabai came to be acquired for public purpose in the year 1996. Deceased Gajrabai was not satisfied with the amount of compensation determined under the award passed by the Collector, as such, she preferred Land Acquisition Reference No. 334/2005 claiming enhancement in the amount of compensation. The reference application came to be allowed and the value of acquired land is prescribed at Rs. 50,000/- per acre. It appears

that the award passed by the reference Court was not put to execution by deceased Gajrabai. Madhavrao claims to be her legal heir on the strength of will deed allegedly executed by Gajrabai. Madhavrao, petitioner herein, without proceeding to present application seeking execution of the award, has directly approached this Court seeking direction against respondents for disbursement of amount to him. It is open for petitioner Madhavrao to present application seeking execution of the award passed by the reference Court, if he claims to be the legal heir of deceased Gajrabai and entitled to receive amount of enhanced compensation.

3. In view of availability of alternate remedy for redressal of grievance raised by petitioner in the instant petition, writ petition need not be entertained. Petitioner may have to prove his entitlement on the basis of will deed in proceedings before the Executing Court and claim amount determined under the award passed by the reference Court.

4. For the reasons recorded above, keeping the option to avail of alternate remedies available in law open, writ petition is rejected.

(A. I. S. CHEEMA)
JUDGE

(R. M. BORDE)
JUDGE