

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

WRIT PETITION NO. 2679 OF 2016

Balaji S/o Venketrao Jadhav .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Vishwajit R. Jain (Kamboj), Advocate for the Petitioner.
Shri V. H. Dighe, A. G. P. for Respondent Nos. 1 to 4.

CORAM : S. V. GANGAPURWALA

A. I. S. CHEEMA, JJ.

DATE : 07TH MARCH, 2016.

PER COURT :

. Mr. Jain, the learned counsel submits that, the respondent No. 4/Land Acquisition Officer be restrained from disbursing second installment of compensation to the respondent No. 5. The respondent No. 4 is also an accused in the criminal case. The civil suit is decided in favour of the petitioner. The respondent No. 5 is not entitled for the said compensation amount.

2. Mr. Dighe, the learned Assistant Government Pleader submits that, the petitioner has chosen the wrong forum. The award is also passed in the name of the respondent No. 5 and the compensation as determined in the award has to be paid to the respective claimants.

3. We have considered the submissions the submissions canvassed by learned counsel for respective parties.

4. If the petitioner has any dispute with regard to payment of compensation amount as mentioned in the award, the remedy is under the provisions of the Land Acquisition Act with regard to the apportionment. The petitioner has got other remedies available at his disposal. The award is passed in the year 2006 in which the name of the respondent No. 5 appeared. The civil suit on which the reliance is placed by the petitioner i. e. R. C. S. No. 206 of 2003 was for simplicitor injunction wherein injunction was clamped against the defendants therein not to obstruct the peaceful possession on 70R Land during the lifetime of the plaintiff therein. The said plaintiff is also dead.

5. Considering the above the writ petition is disposed of. The petitioner may avail the alternate remedy as may be available to him. No costs.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]