

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.3145 OF 2016

Shreyas Infrastructures through its Partner and Power of Attorney Mr.Sopan S/o Sushilkumar Jhunjunwala Vs. The State of Maharashtra and another.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.V.D.Sapkal, advocate holding for Mr.V.B.Jagtap, advocate for the petitioner
 Mr.B.A.Shinde, A.G.P for the State.
 Mr.R.K.Ingole Patil, advocate for Respondent No.2.
 Mr.S.A.G.Qureshi, advocate for Intervener.

**CORAM : S.V.GANGAPURWALA AND
K.K.SONAWANE, JJ.**

Date : 13.04.2016.

PER COURT :

1. Heard.
2. The petitioner claims that award is passed under the New Act, however, acquiring body or Respondents are not paying the compensation amount.
3. According to the learned counsel for the Municipal Corporation, the financial condition of the Municipal Corporation does not permit the Municipal Corporation to make the payment in lumpsum. They filed the affidavit on record stating that they would

make the payment by monthly instalment of Rs.20,00,000/- (Rupees twenty lacs).

4. Intervention application is filed contending that the property is a wakf property. Exchange deed is illegal and that the amount of compensation shall not be released or paid to Respondent No.1 in the Civil Application/Petitioner in the main Petition.

5. The dispute about the title or otherwise has to be decided by appropriate forum under the statute. It is not for this Court to give any finding upon the legality of any document/instrument or about the title of any person in a writ jurisdiction under Article 226 of the Constitution of India. The parties can approach the appropriate forum in that regard as is permissible in law. As far as amount of compensation is concerned, no amount is deposited in this Court. The affidavit is filed by the acquiring body about its inability to pay the compensation amount in lumpsum or to pay by instalments. The petitioner may approach the State in that regard. The award is passed on 24.4.2015. The petitioner may approach the State Government and the acquiring body for payment of the compensation amount. If no such compensation amount is paid or deposited then the petitioner is at liberty to file writ or approach appropriate authority. If within the reasonable period of four (4) months, the grievance of the petitioner is not fructified, the petitioner is at liberty to approach the Court.

6. The Writ Petitioner is disposed of. No costs.

(K . K . SONAWANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.13.04.2016.
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