

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

**CIVIL APPLICATION NO. 6131 OF 2016
IN
WRIT PETITION NO. 9081 OF 2015**

The Union of India & Ors. .. Applicants
Versus
Changdeo Dagadu Khule & Ors. .. Respondents

WITH

**C.A. NO.6132 OF 2016 IN W.P. NO. 9083 OF 2015
C.A. NO.6133 OF 2016 IN W.P. NO. 9082 OF 2015
C.A. NO.6134 OF 2016 IN W.P. NO. 9080 OF 2015
C.A. NO.6135 OF 2016 IN W.P. NO. 9079 OF 2015
C.A. NO.6136 OF 2016 IN W.P. NO. 9084 OF 2015
C.A. NO.6157 OF 2016 IN W.P. NO. 1235 OF 2015
C.A. NO.6158 OF 2016 IN W.P. NO. 791 OF 2015
C.A. NO.6159 OF 2016 IN W.P. NO. 790 OF 2015
C.A. NO.6161 OF 2016 IN W.P. NO. 1229 OF 2015
C.A. NO.6162 OF 2016 IN W.P. NO. 1233 OF 2015
C.A. NO.6163 OF 2016 IN W.P. NO. 1230 OF 2015**

Mr. S.B. Deshpande, Advocate for the applicants.
Mr. P.S. Patil, Mr. V.H. Dighe, Mr. V.M. Kagne, Mr. A.G. Magare,
A.G.Ps. for respondent/State in respective application.
Mr. V.P. Patil, Advocate for petitioner in WP.

**CORAM : A.V.NIRGUDE &
V.L. ACHLIYA, JJ.
DATED : 03.05.2016**

P.C. :-

1. Heard. Perused the Civil Applications. The relief claimed in all the applications is one and the same and therefore heard and decided by a common order.

2. In nut-shell, it is say of applicant/original respondent Nos.1 & 2 that pursuant to order dated 7th April, 2015, passed in Writ Petition No.1229 of 2015 and other group of petitions, they have deposited in this Court the amount of compensation to be payable and as determined by the Arbitrator. In view of this, it is necessary to disburse the amount to respective persons entitled to compensation. In order to facilitate this, it is necessary to transfer the amount deposited with the Court to the Competent Authority for Land Acquisition (CALA) i.e. S.D.O. Sangamner.

3. Mr. S.B. Deshpande, learned Counsel appearing for the applicant submits that the Award passed has reached finality as the applicants have decided to withdraw the appeals. In view of this, it is necessary that the amount be disbursed as per the Award passed by the Arbitrator. He further submits that in view of grievance of the applicants no more survives, they should co-operate in completion of the project.

4. Learned Counsel appearing for the respondents disputed that the amount is deposited as per the amount determined by the Arbitrator. He further submits that the amount be disbursed through this Court.

5. In view of the fact that the amount has been deposited pursuant to Award passed in the matter, the amount deserves to be paid to the respective persons, who are entitled to receive the amount as per the Award. There is no question of amount to be disbursed through this Court. The amount is deposited in the Court pursuant to the statement made before the Court, subject to right of applicants/respondents to file appeal before the appropriate forum. Since the applicants have decided to withdraw the appeals, the amount deserves to be disbursed by the Competent Authority, appointed for said acquisition. In-case, the respondents have any dispute as regards the quantum of amount determined by the Arbitrator and the amount deposited in the Court, then they are free to agitate their grievance before the Competent Authority. In view of the matter, we pass following order :-

O R D E R

(i) The Civil Applications are allowed in terms of prayer clauses (B) & (C).

(ii) The Registrar (Judicial), High Court of Judicature at Bombay, Bench at Aurangabad, is directed to immediately transfer the amount deposited by the applicants in this Court to the Competent Authority for Land Acquisition (CALA) i.e. S.D.O., Sangamner, in the account, as per details of account provided in para No.6 of the applications. Necessary steps in this behalf

shall be taken within two weeks from the date of this order.

(iii) On transfer of amount, the Competent Authority for Land Acquisition (CALA) i.e. S.D.O. Sangamner, is directed to disburse the amount in terms of award to persons in whose favour Award has been passed in accordance with procedure laid down in the Land Acquisition Act and obtain acknowledgement of payments made to each of person entitled to receive the amount. The exercise in this behalf shall be completed within four weeks from the date of transfer of the amount by the Registrar (Judicial), High Court of Judicature at Bombay, Bench at Aurangabad.

(iv) Non-applicants / respondents are directed to co-operate with the applicants in early completion of project for which the land has been acquired by National Highway Authority of India.

(v) The Civil Applications are disposed of in above terms.

[V.L. ACHLIYA, J.]

[A.V.NIRGUDE, J.]