

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

WRIT PETITION NO. 2440 OF 2015

Dr. Subhashchandra s/o Narayanrao Pophale .. Petitioner

Versus

The Divisional Commissioner, Land Acquisition & Ors. .. Respondents

.....
Mr. C. K. Sonawane, Advocate for the petitioner
Mr. A. G. Magarey, AGP for respondent/State
.....

**WITH
CIVIL APPLICATION NO. 6333 OF 2016
IN
WRIT PETITION NO. 2440 OF 2015**

Dr. Subhashchandra s/o Narayanrao Pophale .. Petitioner

Versus

The Divisional Commissioner, Land Acquisition & Ors. .. Respondents

.....
Mr. C. K. Sonawane, Advocate for the petitioner
Mr. A. G. Magarey, AGP for respondent/State
.....

**CORAM : A.V.NIRGUDE &
V.L. ACHLIYA, JJ.
DATED : 04.05.2016.**

ORAL ORDER (Per V. L. Achliya, J.) :-

. Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

2. In nutshell, the grievance of the petitioner is that, though the decree passed by the reference court on 03.03.2001, the compensation amount was not paid to the petitioner. Therefore, the petitioner was required to file the execution proceedings before the Court of Civil Judge, Sr. Division, Aurangabad, which is numbered as Execution Petition RD No. 381/2013. In view of the grievance raised in the petition, this Court has passed the order on 01.04.2016 and directed the respondents to pay the compensation amount within a period of two weeks. On 16.04.2016, the respondents have deposited Rs. 2,57,667/- in this Court.

3. According to Id. Counsel for the petitioner, the amount as deposited is not full amount to be payable in terms of judgment and order passed in Land Acquisition Reference No. 117/1998.

4. Learned AGP submits that, the amount is deposited in the Court as per calculation worked out by the Department. In case, it is found that any amount is still balance, the Department will deposit the same before the executing Court.

5. In view of the statement of learned AGP, the following order is passed.

ORDER

- (i) The amount deposited in this Court by the respondents be transferred to executing Court within a period of two weeks from today.
 - (ii) On transfer of said amount, the petitioner/applicant will be at liberty to make appropriate application before the executing Court to withdraw the said amount.
 - (iii) The executing Court to verify that any further amount is payable in the matter. In case, any amount is found to be due and payable, then the appropriate order be passed in that behalf directing the judgment debtor to deposit the amount within a stipulated period.
6. With these directions, the writ petition stands disposed of.
7. In view of disposal of main writ petition, nothing survives for consideration in the connected civil application and same stands disposed of.

[V.L.ACHLIYA, J.]

[A.V. NIRGUDE, J.]