

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1009 OF 2016

[Babulal Savai Chawan .vs. Executive Engineer, Minor Irrigation Department, Yavatmal and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.P. Thakre, counsel for the petitioner,
Mrs. Kalyani Deshpande, AGP for respondent nos.1 to 3,
Shri R.J. Shinde, counsel for respondent no.4.

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CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : JUNE 16, 2016.

By this writ petition, the petitioner seeks a direction to the respondent no.3-Land Acquisition Officer not to disburse the balance amount of Rs.7,64,951/- in favour of the respondent no.4 till the issue regarding the apportionment of compensation in respect of the petitioner's land is finally decided.

The petitioner claims to be the joint owner of land situated at mouza Gopwadi along with the respondent no.4. The land of the petitioner and the respondent no.4 was acquired by the State of Maharashtra for Lohara Water Storage Project. The award was passed on 24.3.2015 and an amount of Rs.18,77,337/- was granted to the petitioner and the respondent no.4. It is the case of the petitioner that the respondent no.4 secured the signatures of the petitioner on a blank paper and assured him that half of the amount of compensation would be paid to the petitioner. It is stated that on the basis of the stamp paper, the respondent no.4 withdrew a sum of Rs.11,12,386/-. The petitioner has sought a direction against the respondent no.3 not to release the balance amount in favour of the respondent no.4.

The direction, as sought by the petitioner, cannot be granted in exercise of the writ jurisdiction. The petitioner has alternate remedy. If the respondent no.4 has cheated the petitioner by securing the

signatures on blank papers, the petitioner may approach the appropriate court or forum. The petitioner could make a reference of the dispute in regard to compensation before the appropriate authority.

In view of the aforesaid, the writ petition is disposed of, with no order as to costs.

JUDGE

JUDGE

Gulande