

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

WRIT PETITION NO.3951/2015

Smt. Lata wd/o Champatrao Raut and others

...Versus...

The Deputy Collector, Land Acquisition No.3, Vidarbha Irrigation Development Corporation, Collectorate, Nagpur 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 G.N. Khanzode, Advocate for petitioners
S/Shri S.Y. & C.U. Deopujari, Advocates for respondent no.2
Shri N.S. Bhattad, Advocate for respondent no.4

CORAM : SMT. VASANTI A. NAIK AND
A. S. CHANDURKAR, JJ.

DATE : 06.01.2016

By this petition, the petitioners seek a direction to the respondents – authorities to disburse the entire amount of additional compensation to the petitioners.

According to the petitioners, the petitioners are the only legal representatives of Champat and they are entitled to receive the additional compensation that is liable to be paid towards the acquisition of the land.

Shri Deopujari, the learned Counsel for the respondent no.2 states that there appears to be some dispute between the petitioners on one hand and the respondent no.4 on the other in respect of the entitlement to receive the additional compensation. It is stated that the respondent no.4 has raised an

objection against the disbursement of the compensation, payable to the legal representatives of Yamunabai in favour of the petitioners.

The issue involved in this writ petition cannot be decided in exercise of the writ jurisdiction. There is a serious dispute between the petitioners and the respondent no.4 in regard to their entitlement to receive the additional compensation. It would not be proper for this Court to decide whether the petitioners are the only legal representatives of Yamunabai and/or the respondent no.4 is also entitled to receive the additional compensation. The petitioners are free to file appropriate proceedings for seeking the compensation that may fall to the share of Yamunabai.

In the circumstances of the case, we dispose of the writ petition with no order as to costs. The points raised in the petition are kept open.

JUDGE

JUDGE

Wadkar