

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

CRIMINAL WRIT PETITION NO. 632 OF 2014

(Sushilaben wd/o Shanabhai Patel & Ors. vs. State of Maharashtra thr. Principal Secretary, Home Department & Ors.)

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

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.
DECEMBER 21, 2015.**

Heard Shri Khajanchi, learned counsel for the petitioners, Shri V.A. Thakare, learned APP for respondent Nos. 1 to 4, 8 & 9 and Shri Kulkarni, learned counsel for respondent Nos. 13 to 16.

The effort was to see that the matter is finally decided. Accordingly, we gave the State Government opportunities to show its bonafides.

Today, Shri Thakare, learned APP states that the Divisional Commissioner shall look into the grievance of the petitioners and decide about compensation within four months. He also states that till then respondent Nos. 1 to 4, 8 & 9 shall not disturb the possession of the petitioner as contended by the petitioner in the petition.

Shri Kulkarni, learned counsel, however, points out that his clients would be adversely affected. According to him, construction of public road on either side of land of the petitioner is already over and only part of it connecting both the ends is now to be constructed.

Precisely, for this reason we have given State Government ample opportunities.

The petitioners were also asked whether they would be satisfied if part of amount is deposited/ paid to them as compensation, without prejudice to the rights of the parties.

However, it appears that the learned APP is not in a position to make any statement about the provisional deposit.

In this situation, we grant the request made by the learned APP.

Accordingly, we direct the Divisional Commissioner, Nagpur, to take suitable decision in the matter by 30.04.2016. However, till then, the petitioners' possession over suit land shall not be disturbed.

Place the matter for further consideration on 03.05.2016.

An ordinary copy of this order be furnished to the parties.

JUDGE

JUDGE

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