

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

WRIT PETITION NO.6451 OF 2015

Samrat s/o Hariprasad Waghmare

-vs-

The Dy. Collector and ors.

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

Court's or Judge's Orders.

Shri P. S. Tiwari, Advocate for petitioner.

Ms T. Khan, AGP for respondent No.1.

Shri N. B. Bargat, Advocate for respondent No.3.

CORAM : A.S.CHANDURKAR, J.

DATE : JULY 27, 2016

The order dated 17/08/2015 passed by the trial Court rejecting the application moved by the present petitioner for permission to withdraw the amount of compensation that was deposited by the Land Acquisition Officer is under challenge in the present writ petition. While rejecting the said application, the trial Court directed deposit of the amount of compensation in a nationalised Bank. It however appears that during pendency of the writ petition on 08/07/2016, the trial Court dismissed the suit filed by the respondent No.2 on the ground that the same was barred under provisions of Order VII Rule 11(d) of the Code of Civil Procedure, 1908. The plaint accordingly has been rejected.

In the aforesaid facts as the plaint has been rejected,

the following order would serve the interests of justice :

The trial Court shall return the amount of Rs.1,34,04,058/- which was deposited by the respondent No.1 to the respondent No.1 with interest accrued thereon.

The petitioner and the respondent Nos.2 and 3 would be free to approach the Special Land Acquisition Officer under Section 35 of the Maharashtra Industrial Development Act, 1961 for seeking their respective shares in the said amount. If such request for apportionment is made, the same shall be considered expeditiously by the respondent No.1 and preferably within period of four months from today in accordance with law.

The writ petition is disposed of in aforesaid terms with no order as to costs.

JUDGE

-: C E R T I F I C A T E :-

“ I certify that this Judgment/order uploaded is a true and correct copy of the original signed Judgment/order.”

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