

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

WRIT PETITION NO.:5072 OF 2017

Umadevi Gurunath Tondare And Others

VERSUS

The State Of Maharashtra And Others

WITH

WRIT PETITION NO.:5071 OF 2017

Vijaykumar Ramchandra Indrale And Others

VERSUS

The State Of Maharashtra And Others

Mr.Gunale V.D., Advocate for Petitioners.

Mr.S.B.Yawalkar, A.G.P for Respondent/State Authorities.

Mr.S.C.Arora, Advocate for Respondent No.3.

CORAM: S.C. DHARMADHIKARI

AND

MANGESH S. PATIL, JJ.

DATE :- 25th July, 2017

PC.:

1 The Petitioners in this case are awaiting the fruits of the judgment and order of this Court dated 09.07.2015 in Writ Petition Nos.3699/2011 and 3613/2011. The Writ Petitions are filed on the basis that the Petitioners are placed on par with the claimants under the award and in the same acquisition proceedings. On the principle of parity, the Petitioners should also be granted the relief.

2 On the earlier occasion, adjournments were granted to the State to seek instructions and file an affidavit.

3 Today, the position is that the Sub Divisional Officer, who was at the relevant time the Land Acquisition Officer, has filed the affidavits on behalf of Respondent Nos.2 and 4. The affidavits in reply tendered by the learned AGP are taken on record. In these affidavits, each of the factual statements are accepted. It is not denied that the Petitioners are placed on par with the claimants/ Petitioners in Writ Petition Nos.3699/2011 and 3613/2011 decided on 09.07.2015.

4 However, it is stated that Respondent No.3 has engaged another Advocate. Respondent No.3 is the acquiring body. Respondent No.3 has not paid the remaining amounts. In the sense it is only to the Petitioners in Writ Petition Nos.3699/2011 and 3613/2011 that the relief was restricted or confined. The benefit of the award or direction of this Court was not extended to all the persons resulting in every person/ beneficiary approaching this Court by way of writ petitions and which have been disposed of with a direction to make payment.

5 We dispose of both these petitions in terms of the order passed by this Court on 09.07.2015 in Writ Petition Nos.3699/2011 and 3613/2011. The remaining sums as computed in the records shall be released to both set of the Petitioners as expeditiously as possible and within a period of FOUR MONTHS from the date of receipt of a copy of

this order.

6 It is stated by Mr.Arora, learned Advocate appearing for Respondent No.3 in both petitions, that the moment the statement is forwarded by the Special Land Acquisition Officer and computation therewith, the Executive Engineer will release the sums in favour of the Special Land Acquisition Officer for onward payment to the Petitioners. All this would be completed within the above period.

7 The Writ Petitions are disposed of in the above terms.

kps

(MANGESH S. PATIL, J.)

(S.C. DHARMADHIKARI, J.)