

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

WRIT PETITION NO. 11644 OF 2017

GOVIND RAOSAHEB PAWAR AND ANOTHER
VERSUS
ANANDRAO MANIKRAO PAWAR AND OTHERS

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Advocate for the Petitioners : Shri Bora Satyajit S..
Advocate for Respondents 1, 2 and 5 to 7 : Shri V.U.Pawar.

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**CORAM: RAVINDRA V. GHUGE, J.
DATE :- 12th October, 2017.**

Per Court:

1 The learned Advocates have appeared for Respondent Nos.1, 2 and 5 to 7. It is not disputed that Respondent Nos.1 and 2 are the contesting parties, who are the original Plaintiffs. The learned Advocate for the Petitioners submits that Respondent Nos.3 to 7 are not the contesting Respondents.

2 The Petitioners are aggrieved by the cryptic order dated 24.08.2017 passed by the Trial Court below Exhibit-27 by which, the Petitioners are directed to maintain status-quo with regard to the suit property.

3 Both the learned Advocates have narrated the history of the ancestral land, which is the suit property. It is undisputed that after the Petitioners execute the Sale Deed in favour of the Acquiring Body pursuant to the acquisition proceedings in accordance with the Right to

Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the Petitioners would be receiving the compensation amount as they are shown to be the owners of the acquired land in the revenue records.

4 The grievance of the Plaintiffs is that the predecessor-in-title Manikrao Pawar has two sons, namely, Raosaheb and Anandrao. After Manikrao passed away, since Raosaheb was a Karta of the family, entries in the revenue record were mutated in the name of Raosaheb. After Raosaheb passed away, the Petitioners are alleged to have mutated their names in the revenue record and it is based on such revenue records, that the Acquiring Body has considered the ownership of the Petitioners in the acquisition proceedings. The Plaintiffs being old, illiterate and villagers, had no knowledge about the same.

5 The learned Advocate for the Plaintiffs, therefore, submits that if the entire compensation amount, which would be paid by the Acquiring Body to the Petitioners, is deposited before the Trial Court in RCS No.258/2017, subject to further orders in the suit, the Plaintiffs would be adequately protected.

6 I find that the interest of the Plaintiffs is in sharing the compensation amount as the land has already been acquired. No purpose would be served by stalling the public project by preventing the execution of the sale deed by the Petitioners in favour of the Acquiring Body. In any

case, even if the Plaintiffs succeed in the suit, by way of assumption, the issue before the Trial Court would be as regards the sharing of the compensation amount as the acquired land is not going to be returned to the erstwhile title holders.

7 In the light of the above, this Writ Petition is partly allowed. The impugned order dated 24.08.2017 is quashed and set aside.

8 Needless to state, the Petitioners are at liberty to execute the Sale Deed in favour of the Acquiring Body and shall be duty bound to deposit the entire compensation amount as may be received by the Petitioners from the Acquiring Body, before the Trial Court in RCS No.258/2017. The depositing of the compensation amount before the Trial Court shall be subject to the further orders, in the suit, to be passed by the Trial Court. Until then, the Trial Court shall invest the said amount in a fixed deposit receipt with any Nationalized Bank either at Patoda or at district Beed for an initial period of six months and to be renewed thereafter, pending the orders to be passed by the Trial Court.

9 Needless to further state, the Trial Court shall consider the applications, if any, filed in the suit on their own merits and without being influenced by any observations made in this order.