

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5959 OF 2015

Mr. Nitin Tukaram Gavankar.] ... Petitioner

Versus

The State of Maharashtra & Ors.] ... Respondents

Mr. Sagar Joshi for Petitioner.
Ms. S. S. Bhende, AGP for State.

CORAM :- DR. MANJULA CHELLUR, C.J., &
G. S. KULKARNI, J.
DATE :- 6 MARCH, 2017

P. C. :-

1. Heard the learned Counsel for petitioner as well as learned AGP for State.

2. According to the petitioner, the land belonging to the family came to be acquired for Jaitapur Nuclear Power Project by virtue of an award dated 26/10/2009. According to him, when the acquisition notice was issued, his land, along with the lands of other owners in several survey numbers, admeasuring approximately 90 Acres, came to be acquired in Taluka Rajapur, District Ratnagiri. According to the petitioner, he, along with others whose names are shown in the notification, are the owners of 90 Acres of land entitled for compensation. Initially after the award in 2009, compensation of

Rs.3,17,222/- came to be paid and received by the petitioner reserving his right to seek additional compensation, if compensation was to be enhanced.

3. Apparently, having a dialogue between the State authority and the owners, compensation was enhanced and the petitioner learnt that Rs.39,76,941/- was the enhanced compensation for 90 Acres of land. However, according to him, he received only Rs.7,95,388/- by way of deposit into his bank account and he is aggrieved by non-deposit of balance amount in his account, rather, aggrieved by the fact that the party respondents who are none other than his brothers and sisters, having received the said amount.

4. Apparently, the petitioner submits that the land is not a self-acquired property of the petitioner but his ancestors own the said property. He also ultimately admit the relationship between him and the party respondents. In the absence of explaining how the petitioner alone is entitled for entire compensation amount, either enhanced or initially paid either by family arrangement or any contract between the parties, we fail to understand how he can claim entire compensation money. If there is any such arrangement or entitlement, since money is already paid to his brothers and sisters, at this stage, according to us, there is nothing this Court can act upon under Article 226 of Constitution of India, since the petitioner has to establish his entitlement for the entire compensation in a Civil Court totally negating the entitlements of the party respondents. Even

otherwise, the prayer is for money claim with interest at the rate of 12% per annum i.e. to bring back the amount into his bank account by respondent nos.4 to 7, which cannot be entertained in this forum.

5. In view of the above observations, the Writ Petition is disposed of.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)