

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

WRIT PETITION NO.13409 OF 2017

Ramdas s/o Kisan Jadhav,
Age 51 years, Occu. Agri.,
R/o Tidka, Taluka Soyegaon,
District Aurangabad

..Petitioner

Versus

The State of Maharashtra,
through its Secretary,
Department of Revenue and
Forest, Mantralaya, Mumbai and ors.

..Respondents

Mr M.U. Shelke, Advocate for petitioner
Mrs V.N. Patil Jadhav, A.G.P. for respondents no.1 to 4
Mr G.V. Wani, Advocate h/f Mr N.J. Pahune Patil, Advocate for
respondents no.5 to 7

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVAL, JJ**

DATE : 18th January 2018

PER COURT

1. The award has been passed in the year 2012. According to the petitioner, the petitioner has filed Civil Suit bearing No.45/2012 for partition and separate possession including the rights in the acquired land.
2. According to the learned Counsel for the petitioner, the petitioner has approached the Collector after award is passed requesting him not to disburse the amount till the final disposal of Civil Suit. The Collector did not make any reference to the Court.
3. Mr Wani, learned Counsel for respondents no.5 to 7 submits that as the Civil Court has not passed any prohibitory order, the Collector has not made any reference and the petitioner did not pray for making reference.

4. We have also heard learned A.G.P.
5. Whenever there is dispute regarding apportionment of the amount, the Collector under Section 30 of the Land Acquisition Act. 1904 has to make a reference to the Court. The petitioner had already approached the authority in that regard.
6. It is submitted that the amount is with the Deputy Collector.
7. In light of the above, the respondent- authority shall make a reference under Section 30 of the Land Acquisition Act to the Court and shall also send the amount to the Court along with reference. The same shall be done preferably within three months.
8. Writ Petition stands disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

vvr