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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10091 OF 2017

Dhanesh Champalal Gandhi .. Petitioner

Vs.

State of Maharashtra & ors. .. Respondents

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Mr. P.B. Bhargude for the petitioner.

Mr. A.B. Vagyani GP a/w. Nisha Mehara, AGP for respondent Nos. 1 to 8.

Mr. Sameer M. Shingate, Sub-Divisional Officer, Ichalkaranji.

Mr. S.S. Mane, Superintending Engineer, PWD, Kolhapur.

Mr. Sanjay D. Sonawane, Executive Engineer, PWD Kolhapur.

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**CORAM : NARESH H. PATIL, CJ. &
M.S. KARNIK, J.**

DATE : 10th DECEMBER, 2018

P.C. :

Learned Government Pleader appearing for respondent Nos. 1 to 8 submits that Review Petition came to be dismissed on 24th August, 2018.

2. Learned Government Pleader submits that within two months compensation amount as per the order passed by this Court on 21/4/2015 in Writ Petition No. 10072 of 2013 will be paid to the petitioner. Learned Counsel for the petitioner

further submits that for last six years, without giving compensation to the petitioners, the respondents utilized the property for the purpose of road.

3. After going through the facts of the case, we find that the petitioner's land has been acquired for the purpose of road. The Writ Petition No. 10072 of 2013 challenging the Award dated 31/5/2012 came to be filed by the petitioner and by an order dated 21st April, 2015, this Court made the Rule absolute. The declaration under Section 6 of the Act and the Award dated 31/5/2012 only to the extent of the share of the petitioner was quashed and set aside. The respondents were directed to proceed with the acquisition of the share of the petitioner in the said land in accordance with law.

4. Thereafter Review Petition (Stamp) No. 30556 of 2017 came to be filed by the State and the same is dismissed on 24th August, 2018. This Petition came to be filed on 9th June, 2017 by the petitioner.

5. We direct the Collector to deal with the issue of payment of compensation in accordance with the statement made today before the Court.

6. The Petition is disposed of with liberty to the petitioner to take resort to the appropriate remedy if the occasion so arises.

(M.S. KARNIK, J.)

(CHIEF JUSTICE)