

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

61 WRIT PETITION NO.2322 OF 2018

ASHOKRAO ABASAHEB DESHMUKH
AND ANOTHER

..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. K. D. Khade h/f Mr. Mahesh P. Kale, Advocate
for the Petitioners.

Mr. K. B. Jadhavar, AGP for Respondents-State.

Mr. Sharad V. Natu, Advocate for Respondent No.4.

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

DATED : 14th MARCH, 2019.

PER COURT:-

1. The land is acquired by private negotiation. The petitioners have executed sale deed in favour of Acquiring Body for the consideration. The amount has been withheld by the Acquiring Body on the ground that present respondent no.5 has raised an objection.

2. According to petitioners the respondent no.5 is not concerned with the suit property whereas the respondent no.5 contends otherwise. The acquisition is not a statutory acquisition but under a contract. In view of that, we refrain from commenting anything about the merits of the matter.

3. Mr. Natu, learned counsel submits that the evidence of respondent no.5 is concluded and even the evidence of present petitioners is on the verge of the completion in the Civil Suit.

4. After hearing the parties, it does not appear that there is any dispute for the payment of compensation to the extent of land Gut No.468. In view of that, the respondent-Acquiring Body may take effective steps for disbursal of the amount in respect of land Gut No.468 to the petitioners.

5. In respect of land Gut No.466 the Acquiring Body may take appropriate decision with regard to the payment of consideration after considering the objection of respondent no.5 and if the Civil Suit is decided then in accordance with the same. As it is submitted that the civil suit is at the final stage, we are not giving our opinion on the merits of the matter and we would also not preempt decision of the Acquiring Body with regard to the payment of compensation amount as it is a private contract between the parties.

6. With these observations the writ petition is disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE