

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

WRIT PETITION NO. 4399 OF 2019

**NARSING TRIMBAK TIGILE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
LATUR AND ANOTHER**

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Advocate for the Petitioners : Shri S. V. Natu
AGP for Respondent No. 1 : Shri S. P. Tiwari
Advocate for Respondent No. 2 : Shri S. S. Dande

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 17th JUNE, 2019.

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PER COURT :

1. I have heard the learned Advocates for the petitioners, on behalf of respondent No. 2 and the learned AGP on behalf of respondent No.1.

2. The grievance of the petitioners is that in a Land Acquisition Reference Case No. 243/2000, though the original claimant is petitioner No.1 seeking enhancement in compensation, some of the L.Rs. of deceased claimant No.2 Digambar were on record. They settled their dispute between each others and moved an application Exhibit 91 wherein the

said L.Rs. were sought to be deleted. Considering the settlement terms, the learned Court allowed Exhibit 91 by order dated 02/02/2018.

3. Petitioner No.2 is the daughter of Hanumant who was one of the legal heirs of deceased Digambar. Since she was not available for entering into a settlement with petitioner No.1 claimant, the matter was moved before the LAR Court. The learned Court referred the matter for mediation and the mediation report dated 03/12/2018 was submitted. Based on the report, as petitioner No. 2 had settled her share with petitioner No.1, it was requested that the learned Court would delete her from the pending LAR No.243/2000. Despite the same and upon due verification, the learned Court has rejected Exhibit 96 stating that it need not consider whether the claimant has settled the issues with the L.Rs. of the deceased Digambar. It was also held that he does not have any authority to do so.

4. The learned Advocate appearing on behalf of respondent No.2 submits that earlier the learned LAR Court had permitted

such deletion by order dated 02/02/2018 after perusing the compromise Exhibit 92 while passing the order below Exhibit 91. It is further submitted that there is no provision to indicate that the LAR Court cannot permit deletion of a person if he has settled his issues with the other claimants and seeks deletion on the ground that he has received his share and does not desire to claim any share in the enhancement of compensation proceedings.

5. Considering the above, this petition is allowed. The request of petitioner No.2 to be deleted from LAR Case No. 243/2000, is accepted. The impugned orders, dated 03/12/2018 below Exhibit 96 and 31/01/2019 below Exhibit 98, which is a compromise document, are quashed and set aside. By accepting the compromise vide the document Exhibit 98, application Exhibit 96 is allowed.

(RAVINDRA V. GHUGE, J.)

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