

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
923 WRIT PETITION NO.9720 OF 2018**

PRABHAKAR AMBADASRAO DHARMADHIKARI ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. D. J. Choudhary, Advocate for the Petitioner.

Mr. S. P. Tiwari, AGP for Respondents-State.

Mr. Sudhir G. Bhalerao, Advocate for Respondent No.5.

Mr. Sachin S. Deshmukh, Advocate for Respondent Nos.7 to 10.

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

DATED : 14th MARCH, 2019.

PER COURT:-

1. The petitioner seeks directions against the respondent to pay the compensation amount in respect of the land taken in possession by respondent nos.5 and 6.

2. We have heard the learned counsel for the parties.

3. It appears that the Acquiring Body has acquired the property by private negotiation. As yet the sale deed is not executed nor any Award is passed. It is not a case of the statutory acquisition. It is stated that the Acquiring Body has already taken possession of the writ land. It is for the Acquiring Body to take necessary steps to disburse the amount to the deserving persons. It is submitted that the present respondent nos.7

to 10 have raised an objection. A Civil Suit is also filed by respondent nos.7 to 10 before the Civil Court. It is further submitted that the temporary injunction application in the said Civil Suit is rejected upto this Court.

4. Be that as it may, we are not considering the merits of the contentions of either of the parties, as no Award has been passed as yet nor any instrument appears to be there on the record. It is for the Acquiring Body to consider the objections raised by the respondents and take decision upon it. If the decision is taken either way, it is for the parties aggrieved to take particular steps. However, as yet the Acquiring Body has not taken any decision with regard to the disbursal of the amount, we would not like to preempt the decision of the Acquiring Body. The Acquiring Body may take decision with regard to the disbursal of the amount considering the objections and contentions of the parties. The said decision shall be taken on merits and expeditiously within a period of three (03) months.

5. Writ Petition is disposed of. No costs.

(A. M. DHAVAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE