

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

WRIT PETITION NO. 9858 OF 2019

Pradeep Shivajirao Ghuge and another .. Petitioner

Versus

The Union of India and others .. Respondents

Shri S. S. Thombre, Advocate for the Petitioner.

Shri R. R. Bangar, Advocate for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 18TH SEPTEMBER, 2019.

FINAL ORDER :

. Para No. 3 of the affidavit filed by the respondent No. 2 reads thus :

3. In reply Para No. 9 to 14 I say and submit that though in the land under acquisition construction was available and which is affected in the said acquisition but construction value was not included in the Original Award as per the valuation of expert. But it is a fact that construction available in acquired land has been included in the Additional Award passed by the Competent Authority on 26.10.2018 and construction amount of Rs. 39,91,348/- have already been distributed to the Present

Petitioner and now for making the Payment of affected area as to the extent of 500 Sq. m. out of Gat No. 1 belongs to Petitioner as per the Re-Measurement Report funds are available. After application of the Present Petitioner amount will be distributed to the Petitioner at an early date, it is further submitted that Petitioner have no cause of action for filing the Present Writ Petition and the Writ Petition is likely to be dismissed.

2. In view of that, the respondent has accepted about the payment for affected area to the extent of 500 square meters of the gut No. 1 to the petitioner. It is further stated that, after application from the present petitioner amount would be disbursed to the petitioner. The learned counsel for the petitioner submits that, application is already filed (page 141).

3. The respondents shall consider the said application (page 141) as application for the purpose of getting compensation. The respondents shall thereafter act as per its affidavit on record. The same shall be done as early as possible and before three (03) months from today. The writ petition is disposed of. No costs.

[ANIL S. KILOR, J.]

[S. V. GANGAPURWALA, J.]