

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

WRIT PETITION NO.14871 OF 2019

**GADGU MANSARAM BHOI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for the Petitioner : Shri Sangeet L.V.
AGP for Respondents 1 and 2 : Shri N.T.Bhagat
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 10th December, 2019

Per Court:

1 The petitioner/ original decree holder, who has undisputedly lost his land in a public project, is aggrieved by the order dated 07.06.2019 passed by the Executing Court in Regular Darkhast No.462/2017 by which, the application exhibit 18 filed by the third party applicant, has been allowed with the following directions :-

- "i) *Application is allowed.*
- ii) *The decree holder is directed to deposit the amount of Rs.20,04,499/- in court within one month.*
- iii) *Issue show cause notice to decree holder as to why an action should not be taken against him for concealment of said stay order."*

2 The learned advocate for the petitioner vehemently submits that RCS No.145/2005 filed by respondent no.4/ original plaintiff has

been dismissed on all counts and it is held that he has no share in the land acquired for the public project. The petitioner was declared to be the owner of the suit property. Even in the acquisition proceedings, the petitioner has been held to be such owner and therefore, the compensation deposited by the Special Land Acquisition Officer for an amount of Rs.20,04,499/- is actually payable to the petitioner.

3 The learned advocate further submits that the original plaintiff preferred Regular Civil Appeal No.119/2013. An interlocutory order was passed by the Appellate Court directing the Special Land Acquisition Officer and the Executing Engineer, Minor Irrigation Project, Jalgaon to refrain from paying the compensation amount deposited in LAR No.2184/2005 to the petitioner, inasmuch as, the petitioner was restrained from withdrawing the said amount. The petitioner is a farmer belonging to a rural area. He has already lost his land in the public project. Since he was in desperate need of money, that he preferred an application for withdrawal and the Court actually allowed him to withdraw.

4 The learned advocate for the petitioner submits that the petitioner would approach the Executing Court and tender an apology for his conduct and would seek a pardon. However, since he has spent money for the marriages of his granddaughters and being a person living in poverty, he is unable to generate that amount, which is to be redeposited

in the Court. In the alternative, it is submitted that the appeal, which is pending for six years and would be entering the seventh year in 2020, may be expedited.

5 Considering the above, this Writ Petition is disposed off. The learned Appellate Court is directed to decide Regular Civil Appeal No.119/2013 as expeditiously as possible and preferably on or before 29.02.2020.

kps

(RAVINDRA V. GHUGE, J.)