

((1))

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

WRIT PETITION NO.13252 OF 2018

Waman s/o Ahilaji Dane
Age 52 years, Occu. Agri.,
R/o Bidkin, Taluka Paithan,
District Aurangabad

... PETITIONER

VERSUS

1. The State of Maharashtra
through District Collector,
Aurangabad

2. The Sub-Divisional Officer (Revenue),
Paithan-Phulambri,
Headquarter at Aurangabad,
Taluka and District Aurangabad

3. Asaram s/o Ahilaji Dane,
Age major, Occu. Agri.
R/o Bidkin, Taluka Paithan,
District Aurangabad

... RESPONDENTS

.....
Shri S.B. Solanke, Advocate for petitioner
Shri S.K. Tambe, A.G.P. for State
.....

CORAM: R.G. AVACHAT, J.

DATED : 3rd OCTOBER, 2019.

ORDER:

. Heard learned counsel for the parties. The petitioner
and the respondent No.3 are real brothers inter-se.

2. The petitioner seeks directions to respondent No.2 to release the amount of compensation of Rs.31,81,306/- in favour of the petitioner.

3. It was informed by learned counsel for the petitioner that there was a compromise between the petitioner and respondent No.3 and both have been given the amount of compensation in equal share in an earlier proceedings. The respondent authority ought to have paid the balance 20% of the amount of compensation to the parties concerned, instead of referring the matter to the Civil Judge, Senior Division, at Aurangabad for apportionment of the compensation.

4. The respondent authority has already referred the matter to the Court of Civil Judge, Senior Division. The balance 20% of the amount of compensation has also been deposited in the Court of Civil Judge, Senior Division. The petitioner and the respondent No.3 are, therefore, expected to approach the Court of Civil Judge, Senior Division, to whom the matter for apportionment of compensation has been referred.

((3))

5. Needless to mention that, the Civil Judge, Senior Division would pay the amount of compensation to the person/s entitled, within six months from the date of receipt of this order.

The Writ Petition stands disposed of accordingly.

(R.G. AVACHAT)
JUDGE

fmp/-