

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1924 OF 2019

Sou. Sunanda Madhukar Bhosale .. Petitioner
Vs.
The State of Maharashtra & Ors. .. Respondents

Mr.Vinod Sangvikar a/w. Mr.U.R. Mankapure for petitioner.

Mr.P.P. More, AGP for respondent Nos.1 to 3-State.

**CORAM : R.M. BORDE,
N.J. JAMADAR, JJ.**

DATE : 18TH MARCH 2019

P.C.

1. The petitioner is aggrieved by the order dated 20th February 2018 passed by the Deputy Collector, Land Acquisition Officer No.7, District Sangli, whereby the application tendered by the petitioner requesting the respondent authority not to disburse the amount of compensation to the land owner came to be rejected.

2. It is the case of the petitioner that she has agreed to purchase an area to the extent of 50% of the share out of land bearing Gat No.72/1A total admeasuring 2H 51 R by way of execution of Agreement to Sell on 27th August 2002.

3. The petitioner contends that since the original owners did not specifically perform the agreement, a suit has been presented bearing Regular Civil Suit No.12 of 2012 against the land owners and the same is pending. It is further informed that the land owners have been restrained by an order of injunction issued by the Principal District Judge, Sangli while dealing with interim application presented by the petitioner from creating any third party interests in the suit property.

4. The area under acquisition is to the extent of 59 R out of Gat No.72/1A. It has not been demonstrated that the property under the acquisition is the same property that has been agreed to be sold in favour of the petitioner. The gat numbers of both the properties appear to be different and it would be difficult, at this stage, to conclude that the area under the acquisition is the same area which has been agreed to be sold in favour of the petitioner. While passing the decree for specific performance of agreement, the trial Court can issue direction for adjustment of equities.

5. At this stage of the proceedings, the request made by the

petitioner does not deserve to be considered. The petition is devoid of substance, hence stands dismissed.

[N. J. JAMADAR, J.]

[R. M. BORDE. J.]