

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

WRIT PETITION NO. 9176 OF 2016

Mr. Chandrakant Lahu Thakur

.. Petitioner

Vs.

The State of Maharashtra

Konkan Division Commissioner

.. Respondent

None for petitioner.

Mrs.P.N. Diwan, AGP for respondent-State.

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

DATE : 9TH APRIL 2019

P.C.

1 The petitioner is not present.

2 An affidavit-in-reply has been presented by the Incharge Deputy Collector (Land Acquisition), Metro Centre No.1, Panvel, Dist. Raigad and in paragraphs 4 and 5 of the reply, it is stated as quoted hereinbelow :-

“4 I say that apart from the land in question appearing at Sr. No.56, some of the land was declared in the name of Sir Mohd. Yusuf Trust and concerned tenants in the award. I further say that on 6.10.2005 by way of amendment, name of Sir Mohd. Yusuf Trust is replaced as Shri Urmish M. Udhani (amendment dated 6.10.2005 is along with Award dt. 27.2.2004, Exh. 1 hereto).

5 I say that as Shri Urmish M. Udhani had raised objection regarding apportion of compensation amount, the said compensation amount of Rs.2,48,318/- was deposited in the District Court under Section 30 of the Land Acquisition Act.

*Thereafter, the Learned Sr. Division Civil Judge, Panvel, by its order dated 22/04/2008 in L.A.R. No.47 of 2006, made eligible the said Petitioner for the compensation amount and directed to pay him the said amount. I say that the Additional Government Pleader, Civil Court, Panvel by letter dated 08/01/2018 informed the Deputy Collector (Land Acquisition), Metro Centre No.1, Panvel, the names of the Awardees who have received the compensation amount as per Court's order dated 22/04/2008 and the Petitioner's name is reflected at Sr.No.7 of the said order dated 22/04.2008. Hereto annexed and marked as **Exhibit-2 colly**. Are the copies of the said order dated 22/04/2008 and letter dated 08/01/2018 issued by the Additional Government Pleader, Civil Court, Panvel. I say that the possession of the land in question was taken on 22.9.2008 by the Special Land Acquisition Officer and handed over to CIDCO on 9.2.2009. Hereto annexed and marked as **EXHIBIT-3** is the copy of the possession receipt.*

I say that the Petitioner has duly received compensation amount through Civil Court, Panvel which fact is suppressed by him in the present Writ Petition. Similarly, the possession of the said land is also taken away back in the year 2009. Therefore, the present Writ Petition is not maintainable and be dismissed with heavy compensatory cost.”

3 In view of the explanation tendered by the respondents in the affidavit in reply, the grievance made by the petitioner in the instant petition does not deserve to be considered.

4 The petition is, therefore, rejected.

[N.J. JAMADAR, J.]

[R. M. BORDE, J.]