

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

WRIT PETITION NO.9472 OF 2018

Ahmed Dharmuddin Jasnik & Ors.

.. Petitioners

Vs.

Union of India & Ors.

.. Respondents

.....

Mr.Shailendra S. Kanetkar, Advocate for the Petitioners.

None for Respondent No.1 – UOI.

Ms.Geetanjali Shinde, AGP for Respondent Nos.2 and 3 – State.

Mr.Siddhesh A. Pilankar, Advocate for Respondent Nos.4 to 8.

Mr.Sumit S. Kothari, Advocate for Respondent Nos.9 and 10.

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**CORAM : A.A. SAYED AND
PRAKASH D. NAIK, JJ.
DATED : JULY 30, 2019.**

P.C. :

It is not disputed before the Court that prior to the consolidation scheme being implemented, the names of the three branches of the co-sharers including that of the Petitioners were appearing in the revenue records. We *prima facie* find that the claim of the Petitioners that they have a share in the acquired land and consequently entitled to compensation cannot be brushed aside at this stage. The judgment of the Division Bench of this Court in **Writ Petition No.6919 of 2018 (Shri Rajaram Waman Rane & Ors. Vs. Ramkrishna Mahadev Rane & Ors.)** supports the case of the Petitioners.

2 In the circumstances, we set aside the impugned order and direct the Competent Authority to refer the dispute to the Principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land in question is situated and further direct that the amount of compensation be deposited in the said Court.

3 The Petition is allowed in the aforesaid terms.

(PRAKASH D. NAIK, J.)

(A.A. SAYED, J.)