

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12054 OF 2018**

Suresh Annaji Patil.

..Petitioner.

V/s.

The Deputy Collector & ors.

..Respondents.

Mr. S.M. Gorwadkar, Sr. Counsel I/b. Mr. Satyajeet H. Joshi, advocate for petitioner.

Mr. Shailendra S. Kanetkar, advocate for respondent No. 4.

Mr. P.P. Pujari, AGP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : FEBRUARY 12, 2019.

P. C. :

1 Heard the respective parties.

2 Rule. Rule made returnable forthwith with the consent of the parties.

3 The Petitioner herein has filed present petition under Article 227 of the Constitution of India challenging the order passed by the Deputy Collector (Land Acquisition) dated 11/9/2018 thereby passing an order to the effect that after award is passed, the amount towards compensation should be deposited with the appropriate authority. It is a matter of record that Civil Suit filed by the present respondent No. 4

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has been dismissed. The respondent No. 4 has preferred an appeal, which is pending. The order of status quo has been vacated on the basis of the undertaking given by the present petitioner before this Court contending therein that the petitioner would develop the property at their own risk and will not create any third party interest.

4 It is admitted by both the parties that the land acquisition proceedings are not concluded and no award has been passed. In this set of facts, there was no occasion for the land acquisition officer to pass an order that the amount of compensation would be deposited with the appropriate authority. In fact, the land acquisition officer shall decide the claim of the parties in accordance with law and then disburse the amount after hearing of the claimants. There was no occasion for land acquisition officer to pass prospective order in the proceedings which have not attained finality. Hence, the Petition deserves to be allowed in terms of prayer clause (a). However, it is made clear that the parties would reserve their rights to raise their claim before the land acquisition officer after passing of the awards.

5 The Rule is made absolute and the Petition is disposed of in the above terms.

[SMT. SADHANA S. JADHAV, J.]

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