

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1453 OF 2018

Project Director, National Highways Authority of India, Nagpur and anr.

..VS..

Premchand S/o Nandlal Kohli (Dead) Thru. his legal heirs and others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.A. Kathane, Advocate for petitioners.
Shri S.M. Patrikar, Advocate for respondent Nos. 1 to 3.
Shri V.A. Thakre, Assistant Government Pleader for respondent No.
4.

CORAM : A.S. CHANDURKAR,J.

DATED : 12th JUNE, 2019.

. In this Writ Petition order passed by the Executing Court refusing to recall warrant of attachment is under challenge.

2. Pursuant to award passed under the provisions of the National Highways Act, 1956, land belonging to the respondent Nos. 1 to 3 came to be acquired. According to the land owner, the amount of compensation was not deposited by the acquiring body and hence execution proceedings were filed. In those proceedings the land owner sought issuance of warrant of attachment for recovering the balance amount payable. The Executing Court by the impugned order has not recalled the warrant of attachment already issued. During the pendency of the proceedings the acquiring body has deposited the amount of compensation with the

respondent No. 4.

3. According to the petitioners, the amount of compensation has been deposited by the acquiring body prior to filing of execution proceedings. There is a dispute between the parties with regard to the actual amount of compensation which is to be received by the land owner. That aspect can be considered by the respondent No. 4 and the parties would be at liberty to agitate that question before the respondent No. 4.

4. In view of the fact that the amount of compensation now stands deposited, the impugned order does not deserve to be further continued. In that view of the matter the order passed below Exhibit Nos. 23 and 24 in R.D. Nos. 1448/2016 and 1449/2016 stands vacated. The respondent No. 4 shall proceed further with the disbursement of the amount of compensation after hearing the parties.

5. Writ Petition is accordingly disposed of. No costs.

JUDGE

Prity G.