

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4935 OF 2019

(Satyanarayan @ Ramnarayan s/o Lakshminarayan Gattani (dead thr. Lrs Shakuntalabai wd/o Ramnarayan Gattani & Ors. vs. State of Maharashtra thr. Collector, Washim & Ors.)

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

Court's or Judge's orders.

Shri S.D. Chande, Advocate for the petitioners.
Shri Ambrish Joshi, AGP for respondent Nos. 1 to 3.
Shri M.B. Vaidya, Advocate for respondent No. 4.

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**CORAM : R.K. DESHPANDE &
VINAY JOSHI, JJ.
OCTOBER 10, 2019.**

The dispute regarding apportionment of compensation arising out of the acquisition of land between the contesting parties to this petition is settled and the joint compromise pursis is placed on record. The terms of settlement contained in it are reproduced below :

"1. That, the petitioners have filed the present petition and prayed for quashing and setting aside impugned award dated 1.1.2019 passed in N.H. 161/20/47/2016-17 Mouza Davhi passed by the respondent no. 2 Special Officer and Land Acquisition Officer for National Highway No. 161

(Akola-Nanded) Highway Sub-Divisional Officer, Washim and further prayed to direct the respondents authorities to take fresh measurement of land bearing Gat No. 33/34 of Davhi, Tq. Malegaon, District – Washim.

2. That, this Hon'ble Court was pleased to issue notice and granted stay to disbursement of the compensation by order dated 16.07.2019 and the matter is subjudice before this Hon'ble Court.

3. That, as per the Award the respondent no. 2 Sub Divisional Officer/ Land Acquisition Officer, Akola Nanded Highway (Akola Nanded Highway) Washim and granted Rs.1,65,94,589/- to the respondent no. 4, on which the petitioners have taken their objections for fresh measurement.

4. That, the matter is amicably settled in between petitioners and respondent no. 4. The respondent no.4 has agreed to give Rs.35 lacs to the petitioners and the petitioners are not having any objection to release the remaining amount of Rs.1,30,94,589/- to the respondent no. 4 in his account No.32895462527 State Bank of India, Malegaon Branch by the respondent no.2.

5. That the amount of Rs.35,00,000/- may be distributed in the following manner by the respondent no. 2.

I) Shakuntalabai wd/o Ramnarayan Gattani, would get Rs.11,00,000/- in her account No.11659690107 State Bank of India, Malegaon, IFC Code SBIN0002162 OR Account No.1011005007187, Akola Urban Cooperative Bank, Akola, Branch – Malegaon, IFC Code YESBOAUB011.

II) Dilip s/o Satyanarayan Gattani, would get Rs.8,00,000/- in his account no. 11271266493 State Bank of India, Malegaon, IFC Code SBIN0002162.

III) Santosh s/o Satyanarayan Gattani, would get Rs.8,00,000/- in his account no. 11659699698 State Bank of India, Malegaon, IFC Code SBIN0002162.

IV) Harish s/o Satyanarayan Gattani, would get Rs.8,00,000/- in his account no. 31065366335 State Bank of India, Malegaon, IFC Code SBIN0002162.

That, the respondent no.4 is not having any objection to distribute above 35 lacs into the different accounts of petitioner in the aforesaid proportion.

6. *That, petitioners and respondent no.4 are not having any objection for joint measurement of respective land and after joint measurement the enhancement claim would have been filed by both the parties as per the portion of land as per the joint measurement report of TILR in respect of the enhancement of claim on land in question. Other than that there would not be any dispute in between petitioners and respondent no.4.*

7. *That, in view of aforesaid amicable settlement between the petitioners and respondent no.4 may kindly direct the respondent no.2 Sub Divisional Officer/ Land Acquisition Officer (Akola Nanded Highway), Washim to disburse the amount as per Para Nos. 4 and 5.”*

Shri Chande, learned counsel appearing for the petitioners makes a statement that the joint compromise pursis is signed by all the petitioners to whom he identifies. He further submits that all the petitioners are also present in the Court.

Shri M.B. Vaidya, learned counsel appearing for respondent No. 4 – the contesting party submits that the terms of compromise are signed by respondent No. 4, who is also present before this Court in person. The learned counsel identifies

respondent No. 4. He submits that joint pursis is also signed by two persons who are not parties to the petition namely Ganesh Narayan Awachar and Mangesh Narayan Awachar, who are the sons of respondent No. 4. He further submits that they are also present before this Court and have signed the pursis in the presence of the learned counsel.

Respondent Nos. 1 and 2 obviously can not have any objection for disbursement of amount to the parties to this petition in the manner stated in the pursis and the amount can be accordingly released.

In view of the above, this petition stands disposed of as settled between the parties and respondent Nos. 1 & 2 shall release the amount to the parties concerned in accordance with the terms of compromise.

JUDGE

JUDGE

*GS.