

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

916 WRIT PETITION NO.1801 OF 2020

YAKUMIYA ALIAS NIZAMMIYA JAHEDMIYA DESHMUKH
VERSUS
MAINODDIN AMIRODDIN KHATIK THROUGH LRS RABIYABEE
MAINODDIN QUARESHI KHATIK AND OT

...
Advocate for Petitioner : Mr. Patil Indrale Anand V.
AGP for Respondent No.2 : Mr. N.T. Bhagat
Advocate for Respondent Nos. 1-a To 1-c And 1-f : Mr. H.B.
Nandgavale h/f Mr. V.G. Sakolkar
...

**CORAM : ROHIT B. DEO, J.
DATED : 31th JANUARY, 2020.**

PER COURT:-

. Heard.

2. The challenge is to the order dated 10.12.2019 rendered by the District Judge-1, Ahmedpur, whereby the application preferred by the petitioner Shri Yakubmiya seeking 1/3rd share in the compensation amount of the acquired land, is rejected.

3. Concededly, the land acquired belonged to Gulam Maheebub Deshmukh. According to the petitioner, by Hiba executed by Shri Gulam Maheebub on 04.04.1997, the petitioner is the owner of 3.50 R from land from survey no.252/2 and 3.42 R from land from survey no.148/1, along with brothers of the petitioner Ikbalmiya and Mujahidmiya. The petitioner contends that Shri Gulam died on 14.04.1997.

4. According to the petitioner, his rights on the basis of Hiba are subjudice before the Competent Court. The learned counsel for the respondents seriously disputes the submission that the civil suit which is pending pertains to the land which is acquired. According to the learned counsel for the contesting respondents, the land which is the subject matter of the pending civil suit is totally different from the land which is acquired.

5. Be that as it may, as of today, the rights of the petitioner on the basis of Hiba, whether pertaining to the acquired land or to some other land are not finally adjudicated. In this view of the matter, I do not find any error in the order impugned.

6. Needless to observe, if the petitioner succeeds in proving the Hiba, he would be free to assert such consequential rights as would follow from the adjudication in his favour. The petition is dismissed.

(ROHIT B. DEO, J.)