

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1541 OF 2020

Ashish Madanlal Rathi	...	...Petitioner
v/s.		
State of Maharashtra & Ors.		...Respondents

....

Mr. Pramod Patil a/w Mr. Ajit Hon, Ms. Komal Mestry i/b M/s. PNP & Associates for the Petitioner.

Mr. A.I. Patel, Additional GP with Mrs. S.S. Bhende, AGP for the Respondents/State.

...

**CORAM : A.A. SAYED &
S.P. TAVADE, JJ.**

DATED : 17 DECEMBER 2020

P.C.:

. The only prayer pressed by the learned Counsel for the Petitioner is prayer clause (b) which reads as follows:

“(b) In the alternative to above, direct the Respondent No.4 to consider and decide the claim made by the Petitioner for enhanced compensation on account of acquisition of his land admeasuring 10700 sq. mtrs. from Gut No.63 at Village Taranganpada, Taluka Igatpuri, District Nashik for the “Maharashtra Samruddhi Marg” in accordance with law and expeditiously and for this purpose issue appropriate writ and/or Order.”

2. Affidavit-in-Reply has been filed on behalf of the Competent Authority & Sub Divisional Officer wherein para 2 it is stated as follows:

“2) I say that, at the first instance the Petitioner mainly concentrated on his alternate prayer for adjudication of his claim filed by him before the Respondent No.4 for enhancement of compensation, therefore without prejudice to the other submissions made hereinafter these Respondents submitted that, the Respondent No.4 will be decide the claim of the Petitioner after granting an opportunity of hearing on its own merits and by following the due procedure of law, hence present writ petition may be disposed of with liberty to the Petitioner for keeping open to raise all his contentions issues before the Respondent No.4.”

3 In view of the above, we dispose of the Petition accepting the aforesaid statement in the Affidavit-in-Reply.

4 It is not in dispute that the compensation amount has already been paid to the Petitioner and the Petitioner has already filed an Application for enhanced compensation. The Respondent No.4-Arbitrator & Divisional Commissioner shall grant an opportunity of hearing to the Petitioner and decide the Application expeditiously.

5 All contentions of the parties are kept open.

(S.P. TAVADE, J.)

(A.A. SAYED, J.)