

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1542 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 7900 sq. mtrs. from Gut No.17 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 Respondent Nos.4, 5 and 7, the Competent Authority & Sub Divisional Officer wherein para 16 it is stated as follows:

“16 I say that, one Civil Suit bearing RCS No.58 of 2019 has been filed by Smt. Fulabai Prakash Thakare & others against the Petitioner and these Respondents before the Ld. Civil Judge Senior Division, Nashik and she has disputed the title of suit property. It is submitted that, in said suit the Respondent No.5 has filed his say and written statement on 10.04.2019 and due to pendency and dispute as to the suit land shown readiness and willingness for depositing the award compensation amount in the trial court and also requested to the trial Court for appropriate disbursement to the right parties. It is submitted that, said suit is pending and the Respondent No.5 will abide by the order of the trial Court for disbursement of awarded amount of compensation.”

3 In view of the above, we dispose of the Petition accepting the aforesaid statement in the Affidavit-in-Reply. The compensation amount shall be deposited in the Court at the earliest after passing a formal order of reference of the dispute to the Civil Court.

4 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 of the Petitioner expeditiously. All contentions are kept open.

(S.P. TAVADE, J.)

(A.A. SAYED, J.)