

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1543 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 3555 sq. mtrs. from Gut No.61 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- Competent Authority & Sub Divisional Officer wherein para 16 it is stated as follows:

“16 I say that, pursuant to the Award dated 26.11.2018 the Respondent No.5, on 05.12.2018 issued a notice in Form 6 under section 19(1) and 19C(2) of the Act and thereby called the Petitioner for accepting the compensation amount awarded to him under aforesaid Award. It is submitted that, notice has duly been served on the Petitioner by the Talathi, Pimpri Sadroddin, Tal. Igatpuri. However, the Petitioner has failed to accept the compensation for the reason best known him as he has opportunity to accept the same under protest.”

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 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.)