

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

1013 WRIT PETITION NO.6785 OF 2021

ANKUSH RAGHUDAS KATKAR
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Mahesh K. Bhosle.
AGP for Respondent/State: Mr. A. R. Kale.
Advocate for Respondent Nos.2, 3 & 4 : Mr. Anand V. Indrale Patil.
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CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.

DATE : 14th October, 2021.

PER COURT:

. The petitioner seeks directions against the respondents to disburse compensation amount as per the provisions of the Right to Fair Compensation Act.

2 Mr. Bhosle, learned counsel for petitioner submits that the joint measurement was conducted by the respondents and accordingly chart was prepared in the form of Appendix 16. The land of the petitioner is shown to have been affected from Gat No.294/Part. According to the learned counsel, the petitioner is not disbursed the amount. Even respondent No.4 directed inquiry to be conducted under his communication dated 26th August, 2019. The learned counsel submits that the respondents paid compensation to a wrong person. The respondents be directed to pay compensation to the petitioner of

his acquired land i.e. an area of 92 R.

3 Mr. Patil, learned counsel appearing for respondent Nos.2, 3 and 4 submits that the form in Appendix 16 produced by the petitioner does not bear signature of any authority. Respondent Nos.2, 3 and 4 have produced the form in Appendix 16 wherein name of the petitioner is not shown. The land of the petitioner is not acquired in the present acquisition proceeding. According to the learned counsel, as per the measurement map, the land is acquired by private negotiations and execution of sale-deed.

4 The learned AGP appears for respondent No.5 and echoes the arguments of the learned counsel for respondent Nos.2, 3 and 4.

5 In the writ petition, the claim of the petitioner is not admitted. The chart in the form as per Appendix 16 placed by the petitioner and respondent Nos.2, 3 and 4 are different. It would not be possible for this Court to arrive at the conclusive finding. The land is acquired by private negotiations and execution of sale-deed.

6 The petitioner, if he so desires, may pay the measurement fees and get the land measured in the presence of the Highway Authorities and further steps may be taken pursuant thereto and/or the petitioner also can proceed under Section 34 of the Specific Relief Act

and/or other provisions of the Specific Relief Act.

7 With these observations, the writ petition is disposed of.

No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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