

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

916 WRIT PETITION NO.346 OF 2020

TANAJI KALIDAS PUJARI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Wakure Sambhaji S.
AGP for Respondent-State : Mr. S. R. Yadav.
Advocate for Respondent No.3 : Smt. K. S. Bhale.
Advocate for Respondent No.4 : Mr. N. R. Gadekar.
Advocate for Respondent No.5 : Mr. A. V. Rakh.
Advocate for Respondent No.2 : Mr. R. B. Bhosale.

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**CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.**

DATE : 17.11.2021

PER COURT :-

1. After considering the submissions of the learned advocate for the petitioners and the learned advocates for the respondents for quite some time, we expressed our disinclination.

2. The learned advocate for the petitioners sought a pass over to take instructions as to whether the petitioners would re-deposit the amount, disbursed to them under the condition of re-depositing, in view of their affidavit-undertaking or

whether they would tender a bank guarantee. After the matter was called out, the learned advocate for the petitioners submits on instructions that the petitioners would re-deposit the amount disbursed to them with the competent authority-respondent No.2 within a period of four (4) weeks. They pray that the hearing in the dispute, due to which, they are required to re-deposit the amount, may be concluded, expeditiously.

3. The learned advocate representing respondent No.2 submits on instructions that he would decide the dispute within two (2) months, after the amount is deposited.

4. In view of the above, the statement made on instructions on behalf of the petitioners, is recorded. The amounts would be deposited with respondent No.2, on or before 20.12.2021.

5. The impugned notices, therefore, shall be kept in abeyance. The petitioners are precluded from diverting the said amounts or utilizing them for any other purpose as they have agreed to deposit the said amounts with respondent No.2.

6. In view of the consent statement and this order, respondent Nos.3, 4 and 5 / banks would issue bankers

cheques to the petitioners in the name of respondent No.2, “the Competent Authority / Deputy Collector, Land Acquisition, Manjara Project, Osmanabad. So also, the Shri. Vishal (Bhaiyya) Rochkari Taluka Urban Co-operative Credit Society Ltd., Tuljapur would also issue such a cheque so as to enable the petitioners to deposit these bankers cheques with respondent No.2.

7. In view of the above, Writ Petition is disposed off on the following terms :

- (i) The petitioners shall appear before respondent No.2 on 23.12.2021, at 11.00 a.m. If any other party is required to be heard, respondent No.2 would ensure that notices are served on those parties, so as to remain present on 23.12.2021.
- (ii) The hearing on the dispute would be concluded, as expeditiously as possible and respondent No.2 would pass an appropriate order, as is prescribed in law, on or before 28.02.2022.

(iii) Respondent No.2 will issue a communication to the Manager of Shri. Vishal (Bhaiyya) Rochkari Taluka Urban Co-operative Credit Society Ltd., Tuljapur for issuing a bankers cheques for the amount deposited with it by the petitioners in the name of respondent No.2.

(iv) The directions set out in paragraph No.6 herein above, shall be complied with, on or before 23.12.2021.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-