

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1925 OF 2019
IN
WRIT PETITION NO. 2969 OF 2019**

Vilas Vishnu Shinde Applicant

In the matter of

Hindustan Petroleum Corporation
Ltd. Petitioner

Vs.

The State of Maharashtra & Ors. Respondents

Mr. Javeed Hussein i/by Hussein & Co. for Applicant.
Smt. Madhubala Kajale, AGP for Respondent Nos. 1 and 8.

Coram : NITIN W. SAMBRE, J.

Date : 22nd January, 2021

P.C.:

1. This is an application moved by Vilas s/o Vishnu Shinde, one of the legal heir of late Mr. Vishnu Shinde seeking permission to withdraw the amount deposited by the Non-Applicant/original Petitioner, Hindustan Petroleum Corporation in the matter of award of compensation under Petroleum and Minerals Pipelines (Acquisition of Rights of User in Land Act, 1962, amended in 1977.

2. This Court while granting rule has directed the Petitioner to deposit the amount, subject to which the interim relief is granted vide order dated 20th March, 2019 with liberty to the land owners to move for withdrawal of the said amount

3. Learned counsel for the original Petitioner/Non- Applicant, acquiring body so also learned AGP appearing for Respondent Nos. 1 and 8 would invite attention of this Court to the fact that the only one of the legal heir of deceased Vishnu Shinde has moved for withdrawal of the amount.

4. In the aforesaid background, the objection raised by the Respondent to the extent of permitting the applicant to withdraw the entire amount is sustained.

5. However, considering the exigency narrated in the application, the applicant is permitted to withdraw 50% of the pro-rata amount, that will be calculated to his share.

6. The original Petitioner shall place on record the calculation depicting pro-rate share to which each of the legal heirs will be entitled to the amount of compensation within a period of four weeks to the Registry.

7. The Registry shall accordingly permit withdrawal of the amount to the applicant, as ordered herein-above which is calculated by the original Petitioner, acquiring body, which will go to the share of the applicant/land owner.

8. The Civil Application stands disposed of in above terms.

9. Learned counsel for the Petitioner to satisfy this Court on the maintainability of the petition considering the nature of challenge raised in the same.

10. Let the writ petition be placed for hearing on the aforesaid issue on **4th February 2021**.

(NITIN W. SAMBRE, J.)