

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2233 of 2021**

Shri Dattatray Hari Bhate and ors.

....Petitioners

Versus

Sub-Division Officer, Mangaon

....Respondents

Dr. Uday P. Warunjikar along with Ms.Vaishnavi Gujrathi, advocate for the petitioners.

Mr. S.L. Babar, AGP for the State.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 1st DECEMBER, 2021.

P.C. :

1. Perused the order of this Court dated 26th November, 2021. Mr. Babar, learned AGP, submitted that the SDO Mangaon, District Raidgad, was to remain present before this Court in compliance with the order dated 26th November, 2021, but for election duty assigned to him, he could not remain present before this Court and Mr. Dipak Namdeo Patil, Naib Tahsildar, is present before this Court. An affidavit-in-reply is also filed through Mr. Dipak Namdeo Patil, Naib Tahsildar. Perusal of the affidavit-in-reply shows that the amount to petitioner Nos. 5 and 6 could not be paid along with rest of the petitioners on account of insufficient

funds. Certain averments are made in paragraph 2 of the affidavit and as such, the said paragraph is reproduced hereinbelow :

“2. I state that the matter was listed on 26.11.2021, before the Division Bench consisting of the Hon’ble Justice P. B. Varale and Hon’ble Justice S. M. Modak, when the time was granted by the Hon’ble Division Bench to place on record reasons for non-compliance of the Order dated 17.9.2021, by not disbursing the amount to the Petitioner Nos.5 and 6. I state that since the grant for payment of compensation was awaited hence the amount of compensation was not disbursed to the petitioner Nos.5 and 6. I state that yesterday i.e. on 30.11.2021, the amount of compensation pertaining to Survey No.50 and Survey No.148 was disbursed to the Petitioner Nos.5 and 6. Hereto annexed and marked as “Exhibit-1” is the copy of the cash credit receipts.”

The copies of the receipts are placed on record. A statement about insufficient funds to be made available is supported by a letter dated 6th September, 2021 at Exhibit “3” placed on record in earlier affidavit-in-reply filed in this Court through Smt. Prashali Jadhav Dighavkar, SDO Mangaon, District Raigad.

2. Dr. Warunjikar, learned counsel for the petitioner, submitted that there are certain contrary submissions in the affidavit filed by the SDO and the affidavit filed by Naib Tahsildar. At this stage, we are not inclined to go into that aspect as the grievance of the petitioners in

respect of the amounts, to which the petitioners were entitled to, is sufficiently addressed and redressed. As the grievance raised in the petition, no more survives, the petition is, accordingly, disposed of.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)