

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

WRIT PETITION NO. 8323 OF 2021

UMESH
SHRINIWAS
MALANI

Sambhaji Narayan Suroshi and Anr. ...Petitioners

Versus

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The Competent Authority and
Sub-Divisional Officer, Kalyan
and Ors.

...Respondents

Mr. Vivek Rane i/by Mr. Vijay Killedar for the
Petitioners.

Ms. A.A. Purav, AGP, for the Respondent – State.

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

DATE : DECEMBER 06, 2021.

PER COURT :

1. Heard learned Counsel for the Petitioners.
2. The Petition is circulated claiming an extreme urgency. On perusal of material placed on record, we are of the opinion that for no justifiable reason the Petitioners approached this Court at belated stage but for another factual aspect namely, an objection is lodged to the authority recently, and the Petition can be disposed of with direction to authority to consider the application and pass appropriate orders on the

application, the Petition is taken up by this Court for disposal.

3. The material placed on record show that the Sub-Divisional Officer and the Competent Authority i.e., Respondent No. 1 issued a notice dated 01.03.2019 to the beneficiaries of compensation under an award dated 31.03.2018 calling upon noticees to collect the amount of compensation and handover the possession of the land. Name of the Petitioners namely, Sambhaji Narayan Suroshi and Sudam Narayan Suroshi finds place in the list of noticee.

4. Certain documents are placed on record to submit that a relinquishment deed is prepared and though, the parties to this relinquishment deed agreed upon to relinquish their rights are insisting upon for grant of compensation. At this stage, this Court is not expressing any opinion on this aspect, considering the fact that the submission to that effect relates to a disputed questions of facts. The copy of an application submitted to the Respondent No. 1 is placed on record at Exhibit 'D'.

5. By way of this application an objection is lodged to the Authority for the proposed disbursement of the compensation. Admittedly, the Counsel for Petitioners submitted before this Court that the application is pending before authority and till date no decision is taken by the Authority.

6. In view of these facts, we deem it appropriate to dispose of the Petition with direction to Respondent No. 1 to decide the application submitted to him on 11.11.2021 as expeditiously as possible.

7. We make it clear that the authorities to decide the application on its own merits and this Court has not expressed any opinion on the merits of the Application.

8. With the above referred directions, Writ Petition is disposed of.

9. All concerned to act upon an authenticated copy of this order.

(S.M. MODAK, J.)

(PRASANNA B. VARALE, J.)