

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

WRIT PETITION NO.8183 OF 2021

**TARAMATI RAMNATH MOHITE
VERSUS
THE NATIONAL AUTHORITY OF INDIA AND OTHERS**

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Advocate for the Petitioner : Shri Shelke Manoj U.
Advocate for Respondent 1 : Shri D.S. Manorkar
Advocate for Respondent 2 : Shri R.R. Bangar
Advocate for Respondent 3 : Shri S.S. Thombre

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**CORAM : RAVINDRA V. GHUGE
&
S.G. DIGE, JJ.**

DATE :- 07th April, 2022

Per Court :-

1. We have considered the submissions of the learned advocates for the respective sides.

2. The litigation journey between the petitioner and respondent No.3 is ongoing. RCS No.112/2012 filed by respondent No.3 seeking cancellation of the sale deed, against the petitioner, was decreed by the judgment dated 20.02.2015. It is informed that in the first appeal, the present petitioner succeeded. It is not disputed that the Second Appeal between the parties is pending before this Court.

3. The issue as regards whether, respondent No.3 has

been rightly paid the compensation under the award on acquisition of 1 R land, would ultimately depend upon the rights of either the petitioner or respondent No.3, as the owner of the said 1 R land, which will be crystallized in civil litigation. The situation today is that at the trial court level, respondent No.3 succeeded and at the first appeal level, the petitioner succeeded. Further litigation is subject matter of the Second Appeal.

4. In these circumstances, we do not find that we could entertain the prayer of the petitioner seeking a writ of mandamus to respondent No.1 to disburse the amount of Rs.3,25,500/- along with 12% interest pursuant to the awards dated 03.12.2015 and 06.05.2016 since the said amount has already been disbursed by respondent No.1 to respondent No.3 as per the position as it stood at the time of disbursement of the compensation amount.

5. The Writ Petition is, accordingly, disposed off.

kps

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)