

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

901 WRIT PETITION NO.5131 OF 2022

RANJANA VIKRAM PAWAR THROUGH POWER OF ATTORNEY
HOLDERSATYAJIT VIKRAM PAWAR
VERSUS
THE COMPETENT AUTHORITY MAHARASHTRA SAMRUDDHI
MAHAMARG AND ANOTHER

...
Advocate for Petitioner : Mr. A.S. Bajaj

...
**CORAM : RAVINDRA V. GHUGE &
ARUN R. PEDNEKER, JJ.**

DATED : AUGUST 04, 2022.

PER COURT :

1. Leave to delete the sale deed from page nos. 13 to 21, since it pertains to a different person and is not in connection with this petition. These papers be removed within one week and to be replaced with the sale deed, concerning the present petition.

2. The petitioner has put forth prayer clause 'B' as under :-

B) By issuing writ of certiorari or any other writ or direction in like nature, the impugned Order dtd. 09.09.2021 passed by the Competent Authority, Maharashtra Samruddhi Mahamarg / Sub- Divisional Officer, Aurangabad in case No. 121/2020 may kindly be quashed and set-aside and the Respondent No. 1 may kindly be directed to pay the awarded amount of compensation of Rs.51,47,9000/- along with the statutory benefits to the petitioner.

3. We have considered the strenuous submissions of Shri Bajaj, the learned Advocate, on behalf of the petitioner.

4. Section 19-C of the Maharashtra Highway Act, 1955, reads as under :-

“**19C.** (1) The amount determined under section 19B shall be deposited by the State Government, in the prescribed manner, with the Land Acquisition Officer before taking possession of the land.

(2) As soon as may be after the amount has been deposited under sub-section (1), the Land Acquisition Officer shall on behalf of the State Government pay the amount to the person or persons entitled thereto.

(3) Where several persons claim to be interested in the amount deposited under sub-section (1), the Land Acquisition Officer shall determine the persons who in his opinion are entitled to receive the amount payable to each of them.

(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the Land Acquisition Officer shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

(5) Where the amount determined under sub-section (8) of section 19B by the arbitrator is in excess of the amount determined by the Land Acquisition Officer, the arbitrator may award interest at nine per cent, per annum on such excess amount from the date of taking possession under section 19 till the date of the actual deposit thereof.

(6) Where the amount determined by the arbitrator is in excess of the amount determined by the Land Acquisition Officer, the excess amount together with an interest, if any, awarded under sub-section (5), shall be deposited by the State Government, in the prescribed manner, with the Land Acquisition Officer and the provisions of sub-sections (2) to (4) shall apply to such deposit.”

5. Under sub-section (4), if a dispute arises as regards the

apportionment of any amount, the Land Acquisition Officer has to refer the dispute to the decision of the principal civil court of original jurisdiction, within the limits of whose jurisdiction the land is situated. By the order dated 9.9.2021, the Sub Divisional Officer (SDO), incharge of the Maharashtra Samrudhi Mahamarg, passed an order on an application filed by Smt. Ranjana Vikram Pawar (petitioner herein) Vs. Vaijinath Tukaram Jagdale, by which, the dispute pertaining to 0.1631 H. in Gat No. 7 at Mauje Tuljapur is referred to the competent court and the amount of Rs.51,47,900/- (along with 10% income tax amount) is also transferred to the said Court.

6. The grievance of the petitioner is that she is unconnected with the dispute, though her share of the land falls in Gat No. 7. Respondent no. 2 - Vaijinath had approached this Court as a petitioner in Writ Petition no. 7982/2021, with a dispute as against respondent no. 7 Anjali Tukaram Mote and respondent no. 8 - Vimalbai Bhimrao Varale. It was in the light of the dispute between these persons, that this Court recorded the statement of the learned AGP that the issue would be referred to the competent court. The petitioner is aloof from the dispute between Vaijinath, on the one hand and Anjali and Vimalbai, on the other side.

7. It does not call for any debate that this Court, while exercising it's writ jurisdiction, cannot go into the disputed aspects and there cannot be a roving inquiry to be conducted while exercising such

jurisdiction. The petitioner may approach the competent court, to which the dispute has been referred to and by filing an application, may make out a case of being aloof from the dispute referred to the Court pertaining to Vaijinath and Anjali/Vimalbai.

8. In view of the above, this petition is disposed off.

9. In the event, the petitioner files an application before the competent court, making out a case that she is unconnected with the dispute that is referred to the Court and has nothing to do with Vaijinath or Anjali/Vimalbai, the competent court would be at liberty to pass an appropriate order after considering the contentions of all the litigating parties.

[ARUN R. PEDNEKER J.]

[RAVINDRA V. GHUGE, J.]

SSC/