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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4109 OF 2018

Kishor Sadhu Irle and Another

PETITIONERS

VERSUS

Ganesh Pandurang Deshmukh and Others

RESPONDENTS

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Mr. Hanumant P. Jadhav, Advocate for the petitioners

Mr. S. N. Kendre, AGP for respondent - State

Mr. N. K. Tungar, Advocate for respondent No.1

Mr. R. B. Bhosale, Advocate for respondent No.2

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 1st APRIL, 2022

ORDER :

1. The petitioners are aggrieved by the order passed by respondent No. 2, thereby upholding the objection of respondent No. 1 for payment of compensation amount to the petitioners and directing the compensation amount to be paid to respondent No. 1.

2. 300 square meter portion of the land was acquired from gut No. 186 of Wadgon (Lakh) Taluka – Tuljapur, which was standing in the name of petitioner No. 1. The compensation amount in respect of the same was determined. Respondent No. 1 raised an objection that the petitioners, by joining hands with

the revenue authorities, have entered their names to the acquired property and he has purchased the said land by way of a registered sale deed from the person to whom the petitioners had sold the land and, therefore, the compensation amount be disbursed to him. The said objection is accepted and the amount of compensation is directed to be paid to respondent No. 1. Hence, the present writ petition.

3. Heard learned advocate for the petitioners. Learned advocate for respondent No.1, learned advocate for the acquiring body and the learned Assistant Government Pleader.

4. Admittedly, the petitioners, by obtaining permission of the appellate court in Regular Civil Appeal No. 173 of 2014, sold the land in question to one Rohit Harischandra Shinde and respondent No. 1 has purchased the land in question from Rohit Harischandra Shinde, by way of a registered sale deed dated 13th June, 2016. This fact was brought to the notice of respondent No.2, while considering the objection raised by respondent No.1 for disbursement of the amount. By the order impugned in the present writ petition, passed under section 3 H of the National Highways Act, 1956 respondent No.2 has recorded that the acquired portion was purchased by respondent No.1 from Rohit Harischandra Shinde, to whom both the petitioners by a

registered sale deed No. 3976 dated 27th November, 2015 have sold the said portion. The boundaries are stated in the sale deed executed by the petitioners in favour of Rohit Harischandra Shinde so also in the sale deed executed by Rohit Shinde in favour of respondent No.1. Thus, it is clear from the record that the acquired portion is purchased by respondent No.1 by a registered sale deed. As such, respondent No. 2 has rightly come to the conclusion that the petitioners are not entitled to raise dispute for compensation and compensation amount be disbursed to respondent No.1. It is informed by learned advocate for respondent No. 1 that pursuant to the impugned order, the amount of compensation is withdrawn by respondent No. 1 on 11th April, 2018.

5. There is no illegality or perversity in the impugned order. No case is made out by the petitioners to exercise extraordinary writ jurisdiction in favour of them. Writ petition is, therefore, dismissed. No costs.

[NITIN B. SURYAWANSHI]
JUDGE