

(1)

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

941 WRIT PETITION NO.11057 OF 2021
WITH CA/2948/2022 IN WP/11057/2021

**APPASAHEB SHESHRAO DIGHULE AND ANOTHER
VERSUS
THE UNION OF INDIA AND OTHERS**

....
Mr D. A. Bide, Advocate h/f Mr D. H. Jadhavar, Advocate for
petitioners;
Mr B. B. Kulkarni, Advocate for respondent Nos.1 to 3

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

DATE : 26th April, 2022

PER COURT:

1. We have briefly heard the learned Advocates for the respective sides and perused the petition paper book.
2. There is no dispute that there was a re-measurement of the acquired lands and a corrected Annexure-16 was published, indicating the names of these two petitioners and the extent, to which their lands were acquired i.e. 0.15 Are each (0.30 Are). These documents are placed on record at page No.24.
3. The learned Advocate for the petitioners places before the Court a copy of the order dated 02/02/2022, delivered by the

(2)

learned 3rd Joint Civil Judge Senior Division, Aurangabad, below Exh.52, in L.A.R. No.86/2017 (The Deputy Collector, Land Acquisition Vs. Sanjay Kasliwal). He specifically points out paragraph Nos.2 and 3 of the said order. The copy of the said order is taken on record and marked as 'X-1' for identification. For the sake of clarity, paragraph Nos.2 and 3 of the said order are reproduced hereunder :-

“2] In the present application it is mentioned that, SLAO has deposited amount of Rs.2,40,79,650/- on 01.04.2017 but thereafter, there office has received some applications from Ashok Gelada and Appasaheb Dighule. Upon such applications, again measurement was carried out and Superintendent of Land Record Aurangabad has filed their report on 12.02.2020 before SLAO. Upon report they concluded that, amount of Rs.1,36,33,387/- is required to be return for distribution among Ashok Gelada and Appasaheb Dighule. Therefore, SLAO has requested to Civil Judge Senior Division Aurangabad for return of amount for area 3000 Sqr.Mtr. for disbursement to concerned.

3] SLAO has specifically mentioned that in application that, amount of Rs.1,04,46,263/- is to be disbursed among parties present before Court in reference. This is a reference forwarded by SLAO before Civil Court for determination of any question which law does not permit to SLAO to decide. Therefore, it was forwarded before this Court for apportionment of related compensation. Now SLAO himself has given application that, amount for area

(3)

3000 sqr.Mtr. is required to be returned therefore, there is no reason before me to withhold said amount. Hence I pass the following order:-

ORDER

Issue request letter to Hon'ble Civil Judge Senior Division, Aurangabad mentioning about said letter for passing appropriate order as per law."

4. In view of the above, this petition stands worked out. The same is, therefore, disposed off.
5. It is expected that, respondent No.3 would pass appropriate orders for distributing the compensation amount to these two petitioners, in the event of there being no other legal impediment, as expeditiously as possible and preferably within 30 days from the date of receiving the amount from the learned Civil Judge Senior Division, Aurangabad.
6. Pending civil application would not survive and stands disposed off.

(S. G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)