

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

907 WRIT PETITION NO.13204 OF 2021

**GANGADHAR HANMANT POLE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mrs. P. G. Sontakke, Advocate for the petitioners
Smt. M. A. Deshpande, AGP for respondent Nos. 1 and 3
Mr. A. N. Patale, Advocate for respondent No. 2
Mr. D. S. Manorkar, Advocate for respondent No. 4.

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

DATED : 21st April, 2022

PER COURT :-

1. This matter was extensively heard on 20th April, 2022 and today. The grievance of the petitioners is that both are in possession of 100 Sq. Meters land. 50 Sq. Meters are occupied by constructed homes. Remainder portion is vacant land. As these portions are a part of the acquisition for laying the National Highway No. 361, both the petitioners deserve to be granted compensation.

2. The learned Advocates representing respondent Nos. 2 and 4 submit that as the award has already been

delivered, compensation to the extent of acquisition of 50 Sq. Meters land of both these petitioners is deposited with the Competent Authority respondent No. 2. Notice has been issued in the name of petitioners. They have not accepted the amount.

3. The grievance seems to be as regards the title to the 100 Sq. Meters land occupied by each of the petitioners. We cannot decide a disputed issue in our writ jurisdiction under Article 226 of the Constitution of India. Respondent No. 2 contends that they are awaiting the petitioners ownership documents and if such documents are supplied within the scheme of law, they could be no difficulty in disbursing the compensation amount.

4. In view of the above, this petition is disposed off expecting the petitioners to approach respondent No. 2 with the necessary documents so as to be tendered to the said authority, on or before 31st May, 2022. Needless to state, thereafter the Competent Authority shall consider the

documents and pass appropriate orders as are permissible in view of the National Highways Act.

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)

ssp