

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

**CIVIL APPLICATION NO.14928 OF 2022
IN WP/5361/2022
WITH
WRIT PETITION NO.5361 OF 2022**

**SOPAN GENBA SURYWANSI AND ANOTHER
VERSUS
THE SUB DIVISIONAL OFFICER ALIAS COMPETENT
AUTHORITY AND ANOTHER**

...
Advocate for the Applicants : Shri Karpe Rahul R.
AGP for the Respondents/State : Shri P.K. Lakhotiya
Advocate for Respondent 2 : Shri S.D. Munde
...

**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 11th November, 2022

Per Court :-

1. This Civil Application seeking restoration of the Writ Petition, which was dismissed in default, has been filed within limitation.
2. Heard. For the reasons set out and by consent, the Civil Application is allowed and the Writ Petition is restored.
3. The learned advocate for the petitioners submits that the only grievance raised in this petition by the two petitioners

was that their names in the acquisition proceedings to the extent of Gat No.41/2/B/2 are not disputed to the extent of the shares of the parties. However, the name of respondent No.2 was wrongly recorded in the final award dated 20.03.2020.

4. Respondent No.2, who is the biological brother of the petitioners, has filed an affidavit in reply dated 15.06.2022 at pages 94 and 95. In his short affidavit, it is specifically stated that the name of respondent No.2 is wrongly recorded in the final award dated 20.03.2020. It is also conceded that his share has been received by him to the extent of Gat No.41/2/B/1 admeasuring 258 square meters.

5. The learned advocate for the petitioners submits, on instructions, that in the light of the affidavit of respondent No.2, this Writ Petition can be disposed off. He further prays that the authorities need to rectify the mistake by deleting the name of respondent No.2 and by inserting the names of the present petitioners for Gat No.41/2/B/2, in the award.

6. In view of the above, this Writ Petition is partly allowed by granting prayer clause B, which reads as under :-

“B) Issue writ of mandamus or any other writ or direction in the like nature thereby kindly direct the respondent No.1 to rectify/clarify the final

award dated 20.03.2020 thereby deleting the name of respondent No.2 and by inserting the name of present petitioners qua land Gat No.41/2/B-2 along with further necessary statutory compensation along with structure.”

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)