

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6784 OF 2021

Nitin s/o. Baburao Jagtap and Anr. ... Petitioners

Vs.

The Competent Authority-
Land Acquisition and Ors.

... Respondents

Ms. Akanksha A. Helaskar a/w. Mr. Sarthak Diwan, for Petitioners
Mr. R.S. Pawar- AGP for Respondent No.1
Mr. Avinash N. Naikwadi for Respondent No.2
Mr. Rakesh L. Singh i/b M.V. Kini & Co. for Respondent No.4-
NHAI.

**CORAM : R.D. DHANUKA &
S.M. MODAK, JJ.**

DATE : 22ND FEBRUARY, 2022

P.C. :

1. Leave to amend is granted to implead the National Highway Authority as Respondent No.4. Amendment to be carried out forthwith. Re-verification is dispensed with. Mr. Singh accepts service on behalf of the Respondent No.4.

2. Rule. By consent of parties rule is returnable forthwith. Mr. R.S. Pawar, learned AGP waives service for Respondent No.1 Mr. Avinash Naikwadi waives service on behalf of Respondent No.2 and Mr Rakesh Singh waives service on behalf of Respondent

No.4- NHAI.

3. By this Writ Petition which is filed under Article 226 of the Constitution of India, the Petitioners are seeking Writ of Mandamus or direction thereby directing the Respondent No.1 to forthwith disburse the amount of compensation determined for the acquisition of 612 sq.mtr from land bearing Gat No. 422/2 situated at Vadapuri, Taluka Indapur, Dist. Pune for the purpose of expansion of National Highway No. 956G which is known as Baramari-Indapur-Akluj-Bondle Road.

4. It is not in dispute that the award is already made in respect of the acquisition proceedings. It is the case of the Petitioners that the Petitioner is entitled to Rs. 23,31,092/- out of the compensation amount awarded, whereas Respondent No.2 would be entitled to Rs. 17,97,835.81/-. Respondent No.2 disputes that the Petitioner is entitled to Rs.23,31,092/- as compensation.

5. In view of this dispute between the parties, the dispute is

required to be referred to the Court of District and Sessions Judge, Pune. Learned counsel for Respondent No.4- National High Authorities, on instructions, submitted that the amount is already deposited before the Court of District and Sessions Judge, Pune. The statement is accepted.

6. In view of the dispute between the Petitioner and Respondent No.2 about apportionment of compensation, the matter is referred to the Court of District and Sessions Judge, Pune.

7. We permit both the parties to apply before the Court of District and Sessions Judge, Pune within one week for withdrawal of compensation of award after giving notice to the other side. If such an application is made for withdrawal, the District and Sessions Judge shall decide the application within six weeks from the date of receipt of the application. If both the parties agree that there is no dispute in respect of the particular amount, the District and Sessions Judge shall allow both the parties to withdraw such amount, upon filing of joint purshis.

The District and Sessions Judge shall invest the balance amount in a Nationalized Bank. Writ petition is disposed of in the aforesaid terms. Rule is made absolute.

8. It is made clear that neither the Petitioner nor Respondent No.2 nor any person claiming through them shall obstruct the work being carried on by the Respondent No.4 which is the subject matter of the acquisition.

9. Parties shall act upon the authenticated copy of this order.

(S.M. MODAK, J.)

(R.D. DHANUKA, J.)

Tikam