

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15002 OF 2022

Ramesh Chima Agiwale and Ors. .. Petitioners
 Versus
 Special Land Acquisition Officer and Anr. .. Respondents

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- Mr. Pratik B. Rahade for Petitioners
 - Mr. S.H.Kankal, AGP for State
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CORAM : MILIND N. JADHAV, J.
DATE : DECEMBER 12, 2022.

P.C.:

1. Heard Mr. Rahade, learned Advocate for Petitioners and Mr.Kankal, learned AGP for State.

2. Perused the impugned order dated 23.10.2021 which is a handwritten order of C.J.S.D., Nashik which reads as under :

“Claimant to produce succession Certificate”.

3. Learned Advocate for Petitioners has brought to my notice the order dated 21.01.2020 passed by C.J.S.D., Nashik (admittedly the predecessor of C.J.S.D., Nashik who has passed the impugned order). The said order has been passed on Application No. 171 of 2007, *inter alia*, pertaining to receiving of the awarded amount by the claimants. It is seen that after calling for a Statutory Report from the Asstt. Superintendent (Finance) and perusing the same, the order dated 21.01.2020 has been passed directing apportionment and distribution

of the amount of Rs.2,39,852.00 along with accrued interest to the claimants whose names are mentioned in the order. The only condition stipulated therein is that before distribution, the claimant shall prove their identity and pursuant thereto the said amounts shall be deposited in their respective bank accounts.

4. Mr. Rahade, learned Advocate for Petitioners submitted that pursuant to passing of the said order because of the lockdown and Covid-19 pandemic, claimants could not approach the Trial Court. They filed application on 14.10.2021 stating the aforesaid reason and also informed the Court that one of the claimants namely Shankar Kamlu Agiwale had expired on 19.12.2019 and furnished the names of his legal heirs i.e. his wife and two daughters. The impugned order has been passed on the aforesaid application.

5. Mr. Kankal learned AGP in his usual fairness has submitted that the issue of disclosure of identity of claimants is the only condition mentioned in the order dated 21.01.2020 and that there is no other conditions stipulated. The stand taken by Mr.Kankal is appreciated by the Court.

6. In view of the above, condition stipulated in the impugned order that claimants are now required to produce Succession Certificate does not find any place in law as also in the facts and circumstances of the present case. The impugned order dated 23.10.2021 is therefore quashed and set aside.

7. Petitioners/claimants including the legal heirs of deceased Shankar Kamlu Agiwale i.e. his wife Sangita and his two daughters Poonam and Ujjwala whose names are mentioned in the operative part of the order dated 21.01.2020 shall disclose their identity as directed by producing their Aadhar Card and Ration Card alongwith other respective bank details and once the same has been produced and confirmed in terms of the order dated 21.01.2020, the Asstt. Superintendent (Finance) is directed to release the amounts to the claimants.

8. Mr. Kankal submitted that the amounts mentioned in the operative part of the order dated 21.01.2020 is lying deposited in the Court. In that event, if the said amount is lying deposited in the Court, then learned C.J.S.D., Nashik is directed to comply with the aforesaid order of confirming the identity of the claimants and/or their legal heirs and disburse the same to them in accordance with the above order within a period of four weeks from today. passed by them.

9. Liberty to apply.

10. In the event if Fixed Deposits are required to be broken or foreclosed, the same shall be done with immediate effect on the Petitioners producing an authenticated copy of this order.

11. With the above directions, Writ Petition is disposed.

[MILIND N. JADHAV, J.]