

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO. 619 OF 2022 IN
WRIT PETITION NO. 3198 OF 2021

Vilas Madhukarrao Gawande

..VS..

The Collector, Yavatmal and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.S. Khubalkar, Advocate for the petitioner.
Shri Dubey, A.G.P. for respondent nos. 1 and 2.
Shri M.G. Sarda, Advocate for respondent no. 3/applicant.

CORAM : MANISH PITALE, J.
DATED : 23/03/2022.

By this application, the applicant/original respondent no. 3 is seeking specific direction to be issued to respondent 2 i.e. the Land Acquisition Officer, Yavatmal.

2. The Writ Petition concerned the entitlement of the petitioner and respondent no. 3, to the amount of compensation determined by the acquisition of land. The amount of compensation stood disbursed to respondent no. 3, which was transferred into the accounts of his wife and daughter.

3. The Writ Petition was eventually disposed of vide judgment and order dated 18.02.2022, whereby the respondent-authority was directed to refer the dispute pertaining to disbursement of compensation to the competent Civil Court and a specific direction was given to the respondent no. 3 to furnish bank guarantee to the tune of 50% of the amount of compensation received, before the said Civil Court.

4. It appears that respondent no. 2 has frozen the

bank accounts of wife and daughter of respondent no.3, during the pendency of the Writ Petition. In this backdrop, the applicant/respondent no. 3 is seeking specific direction to respondent no. 2 to release the accounts of the wife and daughter of the respondent no. 3, with the IndusInd Bank.

5. In view of the direction given by of this Court while disposing of the Writ Petition, it is obvious that unless the accounts of the wife and daughter of respondent no. 3, are allowed to be operated, it would be difficult for respondent no. 3 to furnish bank guarantee to the tune of 50% of the compensation amount received.

6. Hence, the application deserves to be allowed with specific observation. In view of the above, respondent no. 2 is directed to defreeze / release the accounts of the wife and daughter of the respondent no. 3 in the IndusInd Bank, so as to facilitate the respondent no. 3 to abide by direction given by this Court in paragraph 10 of the judgment and order dated 18.02.2022 passed in Writ Petition No. 3198 of 2021, to furnish bank guarantee to the tune of the 50% of the compensation amount received and solvent surety for the rest of the amount before the competent Civil Court. It is made clear that the present application is being allowed, so as to facilitate respondent no. 3 to abide by the specific direction, given by this Court.

7. The application stands disposed of.

JUDGE

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