

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

WRIT PETITION NO.4281 OF 2022

Balaappa Eknath Sadavarte And Others

VERSUS

The State Of Maharashtra And Others

...

Mr. Bhandari Anand P., Advocate for the Petitioners.
Mr.A.V. Indrale Patil, Advocate for Respondents 2 and 4.

**WITH
CIVIL APPLICATION NO.10189 OF 2022
IN
WRIT PETITION NO.4281 OF 2022**

Vijaya Ashokrao Amle And Another

VERSUS

Balaappa Eknath Sadavarte And Others

...

Mr.Palodkar Devdatt P., Advocate for the Applicants.

**WITH
CIVIL APPLICATION NO.15420 OF 2022
IN
WRIT PETITION NO.4281 OF 2022**

Balaappa Eknath Sadavarte And Others

VERSUS

The State Of Maharashtra Through Principal Secretary And
Others

...

Mr.Bhandari Anand P., Advocate for the Applicants.
Mr.A.V. Indrale Patil, Advocate for Respondents 2 and 4

WITH
WRIT PETITION NO.12984 OF 2022

Vijaya Ashokrao Amle And Another
VERSUS
The State Of Maharashtra Through Principal Secretary And
Others

...
Mr. Palodkar Devdatt P., Advocate for the Petitioners.
Mr.Bhandari Anand P., Advocate for Respondents 5 to 8.

Mr.S.B. Yawalkar, AGP for the Respondents/ State in all matters.

CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.

DATE :- 02nd August, 2023

Per Court :-

1. On 15.06.2022, we had passed the following order
in Writ Petition No.4281/2022:-

“1. The petitioners have putforth prayer clauses B
& C as under :

B) By appropriate writ order of direction,
the impugned communication dated 16.06.2021
(Exhibit G) issued by the Deputy Collector and
Administrator of Maharashtra State Road
Development Corporation Ltd., thereby
withholding the amount of petitioners, lying in
accounts and FDRs (Annexed with Exhibit G)
with Respondent No. 5 may kindly be quashed
and set aside.

C) By a writ of mandamus or any other
suitable writ, order or direction, the respondent

No. 2 and 5 may kindly be directed to release the amounts of Petitioners, in the accounts maintained with the respondent No. 5 Bank.

2. *Issue notice to the respondents, returnable on 14th July, 2022, in the urgent admission category.*
3. *The learned A.G.P. waives service of notice, on behalf of respondent Nos. 1 and 3.*
4. *Mr. Patil, the learned Advocate, waives service of notice on behalf of respondent Nos. 2 and 4.”*

2. Today, these matters were extensively argued. Thereafter, the learned Advocates for the respective sides, sought a pass over to take instructions.

3. By consent of the parties, the following directions are issued:-

(a) Out of the seven Fixed Deposit Receipts (FDRs) of the Petitioners, which are frozen (list is set out at page 59 of the petition paper book), the following FDRs shall be continued to be frozen along with accrued interest, which would cater the claim of the two Applicants in Civil Application No.10189/2022, in the event they succeed before the Trial Court:-

Sr. No.	Name	Account No.	Amount (Rs.)
1.	Ashabai Bhaudappa Sadavarte	TDR/STDR 39860377399	25,00,000/-

2.	Subhashappa Sadavarte	TDR/STDR 37527427179	20,00,000/-
3.	Balappa E. Sadavarte	TDR/STDR 38160804280	9,58,246/-
4.	Balappa E. Sadavarte	TDR/STDR 38022477089	30,00,000/-

(b) The remaining amounts/FDRs as set out at page 59 of the petition paper book, shall be released along with interest, without any embargo.

(c) Section 19C(4) of the Maharashtra Highways Act provides for the Land Acquisition Officer (i.e. the Sub Divisional Officer, Nagpur- Mumbai Samruddhi Mahamarg in this case) to refer the dispute as to the apportionment of the amount or any part thereof, to the decision of the Principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated. As such, by consent of the parties, the said Land Acquisition Officer is directed to refer the dispute to the concerned Principal Civil Court of original jurisdiction.

(d) All contentions of the litigating parties are kept open only to the extent of 84 R land in the light of the dispute raised by the two intervention Applicants.

(e) For the sake of clarity, the compensation for the acquired land after subtracting 84 R land from 2H 29 Gunthas

57 square meters, would stand apportioned to the original Claimants.

(f) After the competent Court delivers its verdict in the dispute referred to it under Section 19C(4) of the Maharashtra Highways Act, it shall independently decide as to whether, the two Applicants, namely, Vijaya Ashokrao Amle and Rajesh Ashokrao Amle, had put forth a vexatious dispute and if it is concluded in the affirmative, these two Applicants would be liable to pay costs to the original Claimants equivalent to the rate of interest admissible on the amount of Rs.84,58,246/- along with accrued interest, to be calculated w.e.f. 16.06.2021 till the decision of the competent Court. This analogy would apply even if the competent Court comes to the conclusion that the original Claimants have vexatiously deprived the said two Applicants of their share of 84 R land, in which case, the original Claimants would pay the interest/ costs from the date the amount was payable till 16.06.2021.

(g) Let the concerned Principal Civil Court of original jurisdiction, to whom the dispute is referred, decide the same within 18 (eighteen) months from the date of institution of the dispute.

4. In view of the above, **both the Writ Petitions are disposed off.**

5. The pending **Civil Applications would not survive and stand disposed off.**

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)