

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3218 OF 2023

Namdev Yashwant Pithe and Others

...Petitioners

Versus

The State of Maharashtra through

The Special Land Acquisition Officer, Nashik

..Respondent

Mr. Pratik B. Rahade for the Petitioners.

Mr. A. P. Vanarse, AGP for State-Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : 18th July , 2023.

P. C. :

1. Heard.

2. The challenge in the Petition is to the order dated 13th February, 2023 passed in L.A.R. No.62 of 2011 rejecting the application filed by the legal heirs of the Applicant Nos.4, 15 and 19 who are the original Applicants in the L.A.R. for release of the amount of compensation. The application has been rejected on the ground that the succession certificate has not been produced. The trial Court held that the original award is a debt and as such cannot be released in absence of succession certificate.

3. Learned counsel appearing for the Petitioners has relied upon a decision of this Court in the case of ***Ramesh Chima Agiwale and***

Ors. vs. Special Land Acquisition Officer and Anr.¹ This Court in identical situation has permitted the legal heirs of the deceased claimant to disclose their identity by producing their Aadhar Card and Ration Card alongwith other respective bank details and once the identity is established as being the legal heirs of the deceased claimants the Assistant Superintendent (Finance) is directed to release the amounts to the claimants.

4. Learned AGP submits that to ensure that the amount has gone to the rightful claimants the Indemnity Bond may be directed to be executed by the claimants.

5. In my opinion, without going into the issue as to whether the original award is a debt or not and as such required issuance of succession certificate, interest of justice would be served if the same course of action is followed and the legal heirs of the deceased Applicant Nos. 4, 15 and 19 to produce their Aadhar Card and Ration Card alongwith other respective bank details and to satisfy the Executing Court as regards their identity as legal heirs of the deceased Applicants. Upon the documents as stated above being produced the Executing Court to verify the same and to permit the release of the amounts to the legal heirs. Upon the order passed by the Executing Court permitting the release of the amount within one

1 Writ Petition No.15002 of 2022 dated 12.12.2022.

week thereafter the legal representative of the deceased Applicant Nos.4, 15 and 19 to file the Indemnity Bond indemnifying the authorities in event any claim thereof is raised by any third party.

6. Writ Petition stands disposed of.

[Sharmila U. Deshmukh, J.]