

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5975 OF 2022  
WITH  
INTERIM APPLICATION NO. 15728 OF 2023  
IN  
WRIT PETITION NO. 5975 OF 2022

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Mahadev Kerba Nanavare & Ors.

.. Petitioners

**Versus**

The Competent Authority for Land  
Acquisition & Ors.

.. Respondents

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**Ms Rekha Musale a/w Nitin Rajguru for Petitioner Nos. 1 to 7.**

**Dr. Ramdas Sabban a/w Pravin Sabban, Shrikant Kompelli  
Arundhati Sabban for Petitioner Nos. 8 to 13.**

**Mr. A. I. Patel, Addl. G.P. a/w M. S. Bane, AGP for Respondent  
No.1.**

**Mr. Rakesh Singh a/w Heena Shaikh i/b. M. V. Kini & Co. for  
Respondent No.2.**

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**CORAM : B. P. COLABAWALLA &  
M. M. SATHAYE, JJ.  
DATE : OCTOBER 17, 2023**

**P. C.**

**1.** The above Writ Petition is filed *inter-alia* seeking the  
following relief:

*“(a) This Hon’ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, direction or order, directing the Respondent No.1 CALA to forthwith make payment of said N.H. acquisition compensation of Rs. 5,55,46,271/- to the Petitioners in accordance with law, OR to deposit the same into the Court, alongwith the statutory interest @ 9% p.a. for first year and 15% p.a. thereafter from the date of taking possession dt..... till the date of payment/deposit into the Court provided U/S. 80 of RFCTLARR Act, 2013;”*

2. The subject matter of the above Writ Petition is acquired land admeasuring 14583 sq.mtrs. from Gat No. 96 (Part) situated at village Gokhali, Taluka Indapur, Dist. Pune. For acquisition of this land, proceedings were initiated under the National Highways Act, 1956 and a Notification was issued under Section 3D in relation to the said land and an Award was also passed under Section 3G fixing the compensation payable at Rs. 5,55,46,271/-.

3. In this Writ Petition, the National Highways Authority of India (for short “**NHAI**”) raised a dispute that though the entire land admeasuring 14583 sq.mtrs has been acquired, the NHAI requires only an area of 3565 sq.mtrs. for the purpose of construction of the highway. Therefore, initially, this Court had directed that compensation in relation to the area 3565 sq.mtrs. be deposited in this Court. That amount was Rs. 1,91,83,955/- which was inclusive of interest @ 9% p.a.

from the date of the Award. Thereafter, this Court on 31<sup>st</sup> August, 2023, passed a further order directing the NHAI to deposit in this Court the balance amount of Rs. 4,19,67,278/- together with interest @ 9% p.a. from the date of the Award [ i.e. 24<sup>th</sup> December, 2018] till the date of deposit. The aforesaid deposit was to be made within a period of four weeks from 31<sup>st</sup> August, 2023. Pursuant to this order, the NHAI has deposited with the Competent Authority the sum of Rs. 5,97,34,959/- and which is inclusive of interest @ 9% p.a. from the date of Award till the date of deposit. In turn, the Competent Authority has deposited the aforesaid amount with the Registry of this Court.

4. Now the only issue left to be decided was whether the NHAI was entitled to ask for reduction of the area which was originally acquired. For this purpose, NHAI filed Writ Petition (St.) No. 19986 of 2023. That Writ Petition was heard by us today and the same has been withdrawn by NHAI. Once this is the case, this issue raised by NHAI to oppose the above W.P.

5. As far as the payment of compensation (deposited in this Court) to the Petitioners is concerned, we find that there is a dispute *inter-se* between the Petitioners themselves. Petitioner Nos. 1 to 7 claim a right to the said compensation whereas Petitioner Nos. 8 to 13 claim

that Petitioner Nos. 1 to 7 are not entitled to any compensation. In fact Petitioner Nos. 1 to 7 have already filed a Civil Suit bearing RCS No. 1453 of 2023 before the Civil Judge, Senior Division, Baramati against Petitioner Nos. 8 to 13. Since this dispute is still pending, we are of the view that no direction can be passed with reference to the payment of compensation in this Writ Petition. We, therefore, dispose of the above Writ Petition by directing the Registry of this Court to transfer all amounts deposited in the above Writ Petition along with the accrued interest, if any, to the credit of RCS No. 1453 of 2023 pending before the Civil Judge, Senior Division, Baramati.

6. We make it clear that we have not opined on the merits of the case of the rival parties and those shall be decided by the Civil Judge, Senior Division, Baramati on its own merits and in accordance with law. Even the distribution of the compensation deposited shall abide by further orders passed by that Court in that regard.

7. The above Writ Petition is disposed of in the aforesaid terms. No order as to costs.

8. In view of the disposal of the above Writ Petition, nothing survives in the above Interim Application and the same is disposed of accordingly.

9. This order will be digitally signed by the Private Secretary/  
Personal Assistant of this Court. All concerned will act on production by  
fax or email of a digitally signed copy of this order.

[ M. M. SATHAYE, J.]

[ B. P. COLABAWALLA, J.]