

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3517 OF 2021

Ramdas Gulab Thakare

... Petitioner

Versus

The Union of India and Ors.

... Respondents

Mr. Anil Ahuja for the Petitioner.

Mr. Ashutosh Mishra for Respondent No.1-UOI.

Smt. M.S. Bane AGP for the State- Respondent Nos. 2 to 4.

Smt. Heena Shaikh a/w Rakesh Singh i/b M.V. Kini and Co. for Respondent Nos. 5 and 6.

**CORAM: R. D. DHANUKA AND
M.M.SATHAYE JJ.**

DATE : 11th JANUARY, 2023

PC. :-

1. We have perused order dated 13th June 2022 passed by Division Bench of this Court referring to the communication dated 10th June 2022 forwarded to the Respondent No. 6 on behalf of the Executive Engineer, National High Way, Division Nashik. In the said communication, reference was made to the statement referring to an objection raised before the Authority by Bharat Ramdas Thakare, grand son of Ramdas Thakare. In view of said communication, the authority had sought clarification.

2. Learned counsel for the Petitioner tenders Affidavit of Bharat Ramdas Thakare and separate Affidavit of Ramdas Gulab Thakare. Same are taken on record. In the Affidavit of Bharat Ramdas Thakare, it is clearly stated that, dispute between the parties has been resolved and that he has withdrawn his objection as per letter dated 28th October 2022 filed in the office of Respondent No. 4. He has no objection if compensation is disbursed proportionately as per the area mentioned against Gat No. 231/1 and Gat No. 231/2. The said affidavit is notarised and produced for perusal of this Court. Letter addressed by Bharat Ramdas Thakare to the Deputy Collector is also annexed.

3. Similarly, in the Affidavit filed by Ramdas Gulab Thakare, it is stated that, out of total compensation, amount of Rs. 96,24,429/- is sanctioned for the total area of 5370 sq mtrs. Petitioner Ramdas Gulab Thakare is entitled to proportionate amount of Rs.37,63,743/- for the area of 2100 sq mtrs., whereas the remaining amount of Rs. 58,60,686/- is payable to Pramila Babulal Nerkar as per the corrected joint measurement. Statements made in the Affidavit filed by Bharat Ramdas Thakare and Ramdas Gulab Thakare are accepted.

4. Learned Counsel for Respondent Nos. 5 and 6, on instructions, states that in view of the dispute between the claimant having been resolved, according to the two Affidavits filed before this Court, Respondent Nos. 5 and 6 have no objection if the amount already deposited by Respondent Nos. 5 and 6 before Respondent No. 4 are disbursed amongst the claimants. Learned Counsel for the Petitioner also agrees that amount shall be disbursed in accordance with the statements made in both these Affidavits. Statements made by parties are accepted.

5. Respondent No. 4 is accordingly directed to consider these two Affidavits and statements made across the bar and disburse the amount to the claimants who are entitled to such disbursement, within four weeks from today without fail.

6. Writ Petition is disposed of in the aforesaid terms. No order as to costs. Place the matter for compliance after six weeks.

[M.M.SATHAYE,J.]

[R. D. DHANUKA, J.]