

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

WRIT PETITION NO. 10486 OF 2023

Somabai Gopal Patil and Ors.

.. Petitioners

Versus

State of Maharashtra and Ors.

.. Respondents

Mr. Saurabh Vivek Patil, Advocates for the Petitioners.

Mrs. M.S. Bane, AGP for Respondent Nos. 1 and 2/State.

***Mr. Akshay Kulkarni i/b Ashutosh Kulkarni, Advocates
for Respondent No.3/CIDCO.***

***Ms. Akansha Kadam h/f Kranti S.S. Anand, Advocate
for Respondent Nos. 5 to 15.***

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**CORAM : B. P. COLABAWALLA &
M.M. SATHAYE, JJ.**

DATE : OCTOBER 16, 2023

P. C.

1. The above writ petition is filed seeking the following reliefs:

“a) This Hon’ble Court may be pleased to direct the Ld. Civil Court Senior Division Panvel to immediately release the amount of Rs.1,50,00,000/- (Rupees One Crore Fifty Lakhs only) to the Petitioners on ad-hoc basis pending the main execution application bearing Special Darkhast No.77 of 2022 before it, strictly on the medical condition of the wife of the Petitioner No.2;

b) That this Hon’ble Court may be pleased to direct the Ld. Civil Court Senior Division, Panvel to

expedite the proceedings under Special Darkhast No.77 of 2022 pending before it;

c) Interim and ad-interim reliefs in the nature of prayer clauses (a) and (b);

d) Any other order in the interest of justice may be passed.

e) Any other order in the interest of justice may be passed.”

2. The real dispute in the present petition is between the Petitioner on the one hand and Respondent Nos. 5 to 15 on the other. When the above matter is called out, the learned counsel appearing on behalf of the Petitioner as well as the learned counsel appearing for Respondent Nos. 5 to 15, have agreed that the above writ petition can be disposed of by passing the following order:

(a) The Joint Civil Court Senior Division, Panvel is hereby directed to forthwith release the amount of Rs. 7,49,02,980/- in the name of the Petitioners, deposited by Respondent No. 2 in the Special Darkhast no. 77 of 2022, below C - register no. 923 dated 27/03/2023, C - register no. 117 dated 11/05/2023 and C - register no. 153 dated 20/05/2023, before it.

(b) Respondent Nos. 5 to 15, jointly, will have liberty to withdraw the amount of Rs. 7,59,62,971/- deposited by Respondent No. 2 in

Land Acquisition Reference No. 32 of 2014 below C – register no. 185 dated 13/06/2023.

(c) The said withdrawals to be made by the Petitioners and Respondent Nos. 5 to 15 will be independent of each other and without prejudice to the withdrawals of each other. The Petitioners and Respondent Nos. 5 to 15 shall not have any objection in the respective withdrawals of the amounts as mentioned above, against each other.

(d) It is hereby clarified that the Petitioners and Respondent Nos. 5 to 15 shall not insist upon the deposit of any compensation amount in any joint bank account of the Petitioners and Respondent Nos. 5 to 15 on the grounds that the award is jointly in the name of the parties.

(e) It is hereby agreed that the above directions are only with respect to withdrawal of the amount of compensation deposited by Respondent No.2 and referred to in the earlier paragraphs. These directions do not deal with any other dispute between the Petitioners and Respondent Nos. 5 to 15 *inter se* arising out of the Award dated 24.03.2021 passed in Land Acquisition Reference No. 32 of 2014.

(f) The Petitioners and Respondent Nos. 5 to 15 are at liberty to proceed and apply for recovery of their respective balance compensation amount, if any, apart from the amounts already deposited as mentioned above, in accordance with law.

3. The writ petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

4. 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.]