

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

WRIT PETITION NO. 9276 OF 2022

Zooq Najmuddin Qureshi ...Petitioner
Versus
The State Of Maharashtra And Ors. ...Respondents

Mr. Ahijeet J. Kandarkar, Advocates for Petitioner.

Mrs. M.S. Bane, AGP for Respondent Nos.1 to 3/State.

Mr. Akshaya Puthran a/w. Ms. Mansi Pawar i/b. S.K. Singhi & Partners, LLP/Adv. Yamini Saboo, for Respondent No4.

Mr. Shriram S. Kulkarni, for Respondent Nos. 5 & 6.

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

DATE : JUNE 22, 2023

P. C.

1. In the above Petition, when called out, the learned counsel appearing for the Petitioner has stated that notwithstanding anything stated in the Petition, he is seeking a very limited relief. The relief he claims is that he has made an application to the learned SDO, Bhiwandi taking objection to the disbursement already made to Respondent Nos.5 and 6 as well as the disbursement which is yet to be made. We are given to understand that 70% of the compensation is already disbursed to Respondent Nos. 5 & 6 and 30% is yet to be disbursed.

2. After hearing the learned counsel for the Petitioner, we find that in relation to the 30% of the compensation which is not yet disbursed, the application filed by the Petitioner before the SDO, Bhiwandi ought to be decided before disbursing the same to Respondent Nos.5 and 6.

3. In these circumstances, the SDO, Bhiwandi is requested to decide the application filed by the Petitioner dated 27.05.2022 before the disbursement of the remaining 30% amount. It is made clear that this objection is only restricted to 30% which is yet to be disbursed and not about the amount already disbursed. If the Petitioner has any grievance with reference to the amount already disbursed, he will have to adopt appropriate legal proceedings in relation thereto.

4. It is needless to clarify that SDO, Bhiwandi shall decide the application of the Petitioner (to the extent of 30%) as expeditiously as possible within a period of three months from today, on its own merits and in accordance with law. All contentions of both sides are expressly kept open to be agitated before the SDO, Bhiwandi.

5. It is needless to clarify that the project for which the property has been acquired, shall continue without hinderance and the

proceedings before the SDO shall not come in the way of the said project.

6. With these directions, the above Petition is disposed of. However, there shall be no order as to costs. All concerned to act on an authenticated copy of this order.

[M.M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]