

SA Pathan

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

WRIT PETITION NO.11113 OF 2023

Laxman Anant Patil & Anr ... Petitioners

V/s.

The State of Maharashtra

Through Special Land Acquisition Officer ... Respondent

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AYUB
PATHAN
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SHABNOOR AYUB
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Date: 2023.09.26
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Mr. Sachin S Punde, for petitioners.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 25, 2023

P.C.:

1. By this writ petition under Article 227 of the Constitution of India. The petitioner (claimant) is challenging order of Executing Court refusing to issue possession warrant against the Collector of Raigad on the ground that Collector / State of Maharashtra is not a party to the execution petition.

2. On perusal of the award passed in favour of the petitioner, it appears that the petitioner is entitled to receive amount of compensation as per award dated 1 August 2017.

3. The Special Land Acquisition Officer, is made a party. The Special Land Acquisition Officer acts on behalf of the Collector. Powers under the provisions of Land Acquisition Act, 1894 are conferred on Collector; however, for the purpose of passing award or for other purpose. The Land Acquisition Officer is appointed as

a delegate of the Collector. Therefore, the Executing Court could not have rejected the application only on the ground that the Collector is not made a party. At this stage, learned Advocate for the petitioner states that the petitioner is ready to add the Collector as a party to the execution petition.

4. The petitioner is permitted to amend to add the Collector, Raigad as a party respondent to the execution petition.
5. Amendment to be carried out within two weeks from today.
6. On amendment, the Executing Court shall decide the execution petition in accordance with law within eight weeks after the amendment is carried out.

(AMIT BORKAR, J.)