

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
Writ Petition No.1934 of 2023

Ashish Panjabrao Zode and others

Versus

Maharashtra State Road Development Corporation and others

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri M.M. Sudame, Counsel for Petitioners.

Shri A.M. Deshpande, In-charge Government Pleader for Respondent Nos.3 to 5.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : MARCH 28, 2023.

The petitioners, who claim to be the owners of land bearing Survey No.101/2, situated at Mouza Lonsawli, District Wardha, admeasuring about 2 hectares 42 ares, contend that they are entitled to receive the amount of compensation consequent upon acquisition of their land by the respondent Nos.1 and 2. The amount of compensation was paid by the said respondents to one Vasant Hatmode. It is urged that by fraudulently indicating possession of title, the said party received the amount of compensation. The representation made by the petitioners to the respondent Nos.1 and 2 has been replied to by the said respondents by stating that if any irregularity is found, the amount of compensation would be recovered from the persons concerned by the said respondents. Not being satisfied with this response, the petitioners pray that the amount of compensation be disbursed to them as legal heirs of the original owners.

On hearing the learned counsel for the petitioners, we find that various disputed questions are required to be adjudicated upon. Said Vasant Hatmode, who had received the amount of compensation, had filed Regular Civil Suit No.148 of 2021 against the present petitioners for a declaration that he was the true owner of the aforesaid land pursuant to a registered sale-deed dated 7-6-1996. It is submitted that said plaintiff has now expired. We find that unless the petitioners prove their legal title to enable them to receive the amount of compensation, no relief can be granted as prayed for. It is true that they had

been issued the legal heirs' certificate by the Civil Court, but on the strength of that document, their rights only as legal heirs of the original owners Deokabai and Rukmabai has been determined. The petitioners have to prove their legal title for entitlement of appropriate reliefs. That declaration cannot be granted in the writ jurisdiction.

Hence, with liberty to the petitioners to take such steps as are permissible in law for seeking the reliefs sought in the present Writ Petition, the same is disposed of as not entertained. No costs. All questions raised are kept open for consideration.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

LANJEWAR