

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL REVISION APPLICATION NO. 20 OF 2023

Idgah Nazm Committee, Deulgaon Raja and anr__ Vs. __ Nagar Parishad, Deulgaon
Rja and anr

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

Court's or Judge's orders

Mr. Mohammaed Ateeque, Advocate for the applicant
Mr. D.M.Kale, Advocate for non-applicant no.1

CORAM : AVINASH G. GHAROTE, J.
DATE : 13/06/2023

1] Considering the nature of controversy raised, the applicants/original plaintiffs have filed a pursis dated 12.6.2023, which is taken on record and marked as "X" for the purpose of identification, which is under the signatures of the applicant nos.1 and 2, who are the trustees of the Idgah Nazm Committee, who are also present in the Court today.

2] The pursis "X" states that the road is going through the Waqf property of the applicant Waqf situated at Survey no. 72, admeasuring 6.12 acres and the length of the road which would be passing through it is approximately 1000 sq.ft. It is further stated that the respondent No.1 Nagar Parishad, Deulgaon Raja shall construct the remaining part of the road and shall fix the marking, so as to ensure the centre point of the proposed road, and in case the applicant establishes its right to the

land of Survey no.72, then the respondent no.1 shall pay the requisite compensation as per law to the applicant Waqf.

3] The respondent No.1 has filed a pursis on record dated 9.6.2023 under the signature of the Chief Officer, which is taken on record and marked as “Y” for the purpose of identification, which states that in case the applicant proves its right of ownership over the land of Survey no. 72, Mouza – Deulgaon Raja and thereby the right to the 18 meter wide D.P. road which is being constructed as per the sanctioned Development Plan, sanctioned on 16.10.2006, the respondent no.1 shall pay compensation for the area of the D.P. road to the applicants.

4] Both the pursis are taken on record and accepted as statements to the Court.

5] It is thus apparent that since the entitlement of the applicants to the land of Survey no. 72, Mozua – Deulgaon Raja is the subject matter of Waqf Suit No. 186/2022, the entitlement to any compensation would arise in case the suit is decreed.

6] Accepting the undertaking of both the parties, it is directed that in case the suit is decreed in favour of the applicant Waqf holding that the applicant Waqf is entitled to the land of Survey no. 72, admeasuring 6 acres and 12 gunthas and the 18 meter

wide D.P. road is demonstrated to be passing though this land, the applicant Waqf shall be paid compensation to the extent of the area of Survey no. 72 affected by the D.P. road. The compensation shall be determined as per the rules and regulations as prevailing as of today.

7] The civil revision application is accordingly disposed of in the above terms. No costs.

JUDGE

Rvjalit