

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

WRIT PETITION NO.6453 OF 2022

Firoj Khan Abdul Wahid Chisti and another

.Vs.

State of Maharashtra, thr. Collector, Nagpur and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri V.R. Baseshankar, counsel for the petitioner.

Shri K.L.Dharmadhikari, AGP for the respondent No.1.

CORAM : ANIL S. KILOR, J.

DATED : 04/01/2023

1. In this writ petition, the challenge is raised to the order below Exhibit-1, whereby learned Ad-hoc District Judge-3, Nagpur rejected the request of the petitioner to withdraw the amount towards compensation against the land acquired.
2. Learned counsel for the petitioner submits that, the compensation of the land acquired of the petitioner which is survey Nos. 88 and 89 was wrongly deposited as compensation for the land survey Nos. 87 and 226 and therefore he has moved the application in the proceeding of Land Acquisition Reference No. 65/2006 for withdrawal of amount.
3. It is submitted that, as the amount meant for the land belonging to the petitioner was wrongly deposited as compensation for the land survey Nos. 87 and 226, the

petitioner has every right to withdraw the amount of by applying in the said proceeding.

4. On the other hand, learned A.G.P. supports the impugned order.

5. I have perused the record.

6. It is not the case of the petitioner that in Land Acquisition Reference No.65/2006, wherein the amount was deposited by the State towards the compensation of land survey Nos. 87 and 226, the said lands are not owned by the petitioner. If it is the case of the petitioner that, the amount meant for his land is wrongly deposited as compensation of survey Nos. 87 and 226, the remedy is different and not the one which the petitioner had availed.

7. The learned trial Court has rightly rejected the request of the petitioner, on the ground that, the land survey Nos. 87 and 226, which are the subject matter of the Land Acquisition Reference No. 65/2006 and are not owned by the petitioner. Accordingly, I do not find any error in the order, the petition is **dismissed**.

JUDGE