

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

Writ Petition (WP) No. 2586 of 2020

Nandkishor S/o Bhagwanrao Deshmukh

Versus

The Competent Authority & Sub Divisional Officer and Land
Acquisition Officer, Umarkhed, Mouza Marlegaon, Tah. Umarkhed, Dist.
Yavatmal 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 R.D.Wakode, Advocate for the petitioner.

Ms. H.N.Jaipurkar, AGP for the respondent no.1.

Shri P.S.Chawhan, Advocate for the respondent no.2

CORAM : ANIL S. KILOR, J.

DATED : 5th APRIL, 2023.

Heard.

2. In the present matter the order dated 3rd July, 2020 passed by the respondent no.1 Competent Authority and Sub Divisional Officer Land Acquisition Officer rejecting the objection raised by the petitioner for disbursement of amount of compensation in favour of the respondent, is under challenge.

3. In the present matter, admittedly, there was no transfer of title of the land in dispute in favour of the petitioner but an agreement to sale was executed by the respondent no.2.

3. The land in question was acquired for National Highway and accordingly notice under Section 3-H(2) of the National Highways Act, 1956 (in short hereinafter referred as 'Act, 1956') was issued to the respondent no.2. On receiving such knowledge as there was an agreement of sale against which the petitioner paid total of Rs.4,00,000/-, the petitioner filed a suit for specific performance against the respondent no.2 after the award was passed. The said suit namely Special Civil Suit No. 7 of 2018 is pending before the Civil Judge, Senior Division, Pusad.

4. On 8th March, 2018, the petitioner moved an application for objection under Section 3-H(3) of the Act, 1956 and thereafter on 23rd June, 2020 he filed another application before the respondent no.1 to deposit the amount of the compensation in the Court. The same came to be rejected vide impugned order.

5. Thus, considering the fact that there is no transfer of title in favour of the petitioner and agreement to sale does not create title in favour of the petitioner, I do not find any error committed by the respondent 1 in rejecting the application of the petitioner. Accordingly, the writ petition is disposed of.

6. However, it is made clear that the disbursement of amount shall be subject to result of the suit.

[ANIL S. KILOR, J.]

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