

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

Writ Petition No.4060 of 2023

Shri Ajay S/o Gurudayal Batra and another

Versus

The State of Maharashtra 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 C.V. Kale, Counsel for Petitioners.

Shri A.M. Deshpande, In-charge Government Pleader for Respondent Nos.1 to 3.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : 04th JULY, 2023.

1. The petitioners seek to raise a grievance with regard to the proceedings initiated by the respondent Nos.4 to 6 under the provisions of the Maharashtra Regional and Town Planning Act, 1966 read with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. According to the petitioners, by virtue of the sale-deed dated 4-2-2019, they had purchased a portion of the property that was the subject-matter of litigation in Writ Petitions No.5351 and 5492 of 2019. The judgment of this Court dated 28-10-2021 in the aforesaid writ petitions came to be challenged before the Hon'ble Supreme Court and the proceedings therein came to be disposed of on 17-3-2023 in view of the Settlement Agreement dated 16-3-2023 between the parties. As per the terms of settlement, the Land Acquisition Officer is required to pass an award within the time stipulated in the said settlement terms. The petitioners pray that since they are the legitimate holders of the portion of the said land, the respondent No.3- Deputy Collector, Land Acquisition be restrained from passing an award till their grievance is redressed.

2. We find that the judgment of this Court has merged with the order passed by the Hon'ble Supreme Court in Special Leave Petitions (C) Nos.988-989 of 2022. The parties are now governed by the Settlement Agreement dated 16-3-2023. It would not be permissible for this Court to consider the grant of any relief contrary to the Settlement Agreement. Hence, the writ

petition is not entertained. Keeping the points raised in this writ petition open for the petitioners to raise their grievance before the appropriate forum, the writ petition is disposed of. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

LANJEWAR