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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2682 OF 2023

Mr. Satyanarayan Agrawal

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

Ms. Surbhi Agrawal with Mr. Shubham B. Kahite, for the Petitioners.

Ms. M. S. Bane, AGP for the State.

CORAM: _____
G. S. KULKARNI &
SOMASEKHAR SUNDARESAN, JJ.

DATE 25 JULY 2024

P.C.

1. We have heard learned Counsel for the petitioner. The private respondents are served. Affidavit of service is placed on record. However, none appears for them. Accordingly, we have heard learned Counsel for the petitioner and learned AGP for the State.
2. This petition under Article 226 of the Constitution of India prays for the following reliefs:-

“(a) That this Hon’ble Court may issue a writ of certiorari or writ in the nature of certiorari or any other writ, order or direction and shall be pleased to quash and set aside the impugned orders dated 18/1/2020 and 28/1/2020 issued by Respondent No.5;

(b) That this Hon’ble Court be pleased to direct the Respondent No.4 to refer the matter to the Civil Court, Satara to decide rights of parties and to pay the amount in accordance with the decision of the Civil Court, Satara;

(c) That this Hon’ble Court be pleased to hold the Respondent No.5 and Respondent No. 7 i.e. Mr. Mohammad Rauf Patel jointly and severally liable and direct them to deposit the amount of Compensation in the Civil Court, Satara;

(d) That this Hon'ble Court may be pleased to direct inquiry against the Respondent No.5 and further initiate disciplinary proceedings against the Respondent No. 5 along with attachment of salary of the Respondent No.5 in order to recover the amount of compensation disbursed;"

3. The grievance of the petitioner is in regard to illegal disbursement of the land acquisition compensation amount in favour of respondent No.7, who is also stated to be the purchaser of the land. It is the petitioner's contention that the compensation amount was disbursed in favour of respondent No.7, which is an amount of about Rs.60 lakhs. It is the petitioner's case that respondent No.7 had no legal rights whatsoever to receive such amount and, more particularly, considering the judgment and decree passed in favour of the petitioner, in respect of the land in question, in the proceedings of Civil Suit No.177 of 2998 dated 21February 2015 decided by the learned Civil Judge, Senior Division, Satara. It appears that respondent No.7 is not a party to such suit.

4. Thus, apparently there is a dispute in regard to apportionment of the land acquisition compensation as on one hand the petitioner claims such amount of compensation which is stated to be disbursed in favour of respondent No.7. The petitioner has also prayed that such amount as disbursed in favour of respondent No.7 be recalled and re-deposited with the Competent Authority.

5. Learned Counsel for the petitioner has however stated that although there is a prayer being prayer clause (b), for the dispute to be referred to the Civil Court for adjudication on apportionment, she states that a reference being LAR No.52 of 2023 is already made, which is pending adjudication before the appropriate Principal Civil Court of original jurisdiction.

6. In this view of the matter, we are of the opinion that the contentions being urged on behalf of the petitioner in the present proceedings on apportionment / entitlement to compensation are required to be raised in the pending reference in regard to the apportionment of the land acquisition compensation including on the issue whether the petitioner or respondent No.7-Mr. Mohammad Rauf Gulam Patel would be entitled to receive the amounts of compensation.
7. We accordingly dispose of this petition by permitting the petitioner to move an appropriate application before the reference Court in LAR No.52 of 2023 claiming rights qua the apportionment of the compensation, including against respondent No.7 and seek reliefs as may be permissible in law. If such application is made, the same be adjudicated by the reference Court as expeditiously as possible.
8. All contentions of the parties are expressly kept open.
9. Petition is disposed of in the above terms. No costs.

(SOMASEKHAR SUNDARESAN, J.)

(G. S. KULKARNI , J.)