

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16170 OF 2023

Hanumant Narayan Ghule

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

.....

- Mr. Ashok Misal for Petitioner
- Mr. Ranjit S. Hatkar for Respondent No. 7
- Mr. Y.D. Patil, AGP for State

.....

CORAM : MILIND N. JADHAV, J.

DATE : JUNE 20, 2024

P. C.:

1. Not on board. Mentioned. Taken on board.
2. Perused the praecipe dated 20.06.2024.
3. Heard Mr. Misal, learned Advocate for Petitioner; Mr. Hatkar, learned Advocate for Respondent No. 7 and Mr. Patil, learned AGP for State.
4. By order dated 03.01.2024 passed by this Court, substantial directions were given to Respondent No. 7 – Hari Krushna Ghule to file an appropriate affidavit in reply in respect of the objection raised by him before the Competent Authority seeking withdrawal of the compensation. Learned Trial Court had imposed a condition of furnishing full bank guarantee only on the Petitioner – Hanumant Narayan Ghule which is enumerated in the order. In compliance of the

above order, Respondent No. 7 has filed his affidavit in reply dated 13.01.2024. Paragraph No. 3 of the said affidavit reads as under:-

“3. I say that thereafter I have submitted No Objection letter before the Ld. Hon’ble Civil Court for payment of compensation amount to the present Petitioner. I say that however erroneously Ld. Civil Court has not considered the said fact and passed impugned order dated 07.09.2022. I say that I have no objection for relaxation of condition about furnishing bank guarantee on the amount of Rs. 28,63,143/- to be paid to the Petitioner by this Hon’ble High Court.”

5. From the above, it is clear that Respondent No. 7 has given No Objection letter before the learned Civil Court for payment of compensation amount to the present Petitioner. However said No Objection which he has filed has been misconstrued by the learned Civil Court. Be that as it may the No Objection as enumerated in the impugned order dated 07.09.2022 now stands settled by virtue of the affidavit dated 13.01.2024 filed by Respondent No. 7. Save and except setting aside of the requirement to furnish full bank guarantee, rest of the impugned order remains as it is and the Petitioner shall be entitled to the sum of Rs. 28,63,143/- along with accrued interest thereon which shall be paid over to the Petitioner by the learned Trial Court without insisting to furnish full bank guarantee and on production of a server copy of this order without insisting for a certified copy of this order. On an Application made by the Petitioner before the learned Trial Court, learned Trial Court is directed to

disburse the amount to the Petitioner within a period of one week from the date of the Application.

6. With the above directions, Writ Petition stands disposed.

Amberkar

[MILIND N. JADHAV, J.]

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by RAVINDRA
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