

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16171 OF 2023

Hari Krushna Ghule & Ors.

.. Petitioners

Versus

State of Maharashtra & Ors.

.. Respondents

.....

- Mr. Ashok Misal for Petitioners
- 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 and Mr. Patil, learned AGP for State.
4. Present Writ Petition takes exception to the order dated 07.09.2022 passed by the learned District Judge below Exhibit-1 in LAR No. 12/2021 wherein reference made by the Competent Authority & Sub-Divisional Officer Malshiras, Division Akulj to the Court under Section 3(H)(4) of the National Highways Act, 1956 has been decided by learned Civil Court by imposing condition that an amount of Rs. 5,76,110/- be paid to the Petitioner No. 1 and amount of Rs. 1,44,027/- each be paid to Petitioner Nos. 2 and 3 on identification

and on furnishing bank grantee of the said amount and therefore the learned Trial Court has not released payment of compensation till date.

5. Mr. Misal would submit that Petitioner No. 2 – Mr. Hanumant Narayan Ghule who has raised objections before the Competent Authority for the payment of compensation has filed his affidavit dated 13.01.2024 and given No Objection to release the payment of compensation amount to the Petitioners. Paragraph No. 3 of the said affidavit reads as under:-

“3. I say that thereafter Ld. Civil Court has 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. 5,76,110/- be paid to the Petitioner No. 1 and an amount of Rs. 1,44,027/- each be paid to the Petitioner Nos. 2 & 3 by this Hon’ble High Court.”

6. From the above, it is clear that Petitioner No. 2 has given No Objection letter before the learned Civil Court for payment of compensation amount to the Petitioners. However said No Objection which he has filed has been misconstrued by the learned Civil Court. 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 Petitioner No. 2. 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 No. 1 – Hari Krushana Ghule shall be entitled to the sum stated in the said order along with

accrued interest thereon which shall be paid over to the Petitioners by the learned Trial Court without insisting to furnish full bank guarantee and on production of server copy of this order without insisting of certified copy of this order. On an Application is made by the Petitioners before the learned Trial Court, learned Trial Court is directed to disburse the amount to the Petitioners within a period of one week from the date of the Application.

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

[MILIND N. JADHAV, J.]

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by RAVINDRA
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AMBERKAR
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