

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4134 OF 2022

Mr.Gopinath Janu Patil and Others ... Petitioners

versus

The State of Maharashtra and Others ... Respondents

.....

Mr.Vijay S. Gharat for the Petitioners.

Ms.Rupali Shinde, AGP for Respondent Nos. 1 to 4- State.

Mr.Sachin Punde for Respondent Nos. 5 to 9.

.....

**CORAM : NITIN JAMDAR &
M.M.SATHAYE, JJ.**

DATE : 17 JANUARY 2024

P.C.:

Heard the learned Counsel for the parties.

2. The prayers sought for in the petition are thus :

“a. That this Hon’ble Court be please to issue writ of mandamus or writ in the nature of mandamus or any appropriate writ or order or direction to the Respondents no 2 & 3, that not to part any compensation in respect of joint Award No. 1/2008 to Respondent No. 5 to 9.

b. That this Hon’ble Court be please to issued writ of certiorari or writ in the nature of certiorari or any other appropriate writ or order or direction to respondent No. 1, 2 & 3, that cancel the joint Award No. 1/2008 as the same

is not passed as per the provisions of Land Acquisition Act.

c. Pending the hearing and Final disposal or present writ petition restrain the Respondent No. 2 & 3, that not to part any compensation in respect of land bearing Survey No 254, Hissa No 7 + 8, admeasuring 0-49-0 of village Pendhar, Taluka Panvel, District Raigad, pertaining to joint Award No. 1/ 2008.

d. Such other and further reliefs be granted as the nature and circumstances of the case may be require”.

3. Award is of the year 2008. Admittedly, neither the Petitioners have raised any objection to the notification issued under Section 5A of the Land Acquisition Act, 1894 nor the Petitioners' names appear as Claimants in the Award. The case of the Petitioners is that the name of their owner is mentioned in the Award and they are protected tenants. If that being so, it is the matter between the Petitioners and the owner of the land. At the behest of the Petitioners, it is not possible to set aside the Award which may prejudice to all other Claimants when due procedure has already been followed.

4. Keeping all contentions of the Petitioners open, in case the Petitioners institute proceedings against the owner on the premise that the Petitioners are tenant, in case already not instituted or disposed of, we dispose of the writ petition.

5. By this order, we should not be deemed to have commented on merits of the Petitioners' case.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)