

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

WRIT PETITION NO. 34 OF 2024

Kalubai Harishchandra Mali ... Petitioner

versus

The Competent Authority &
Sub-Divisional Officer, Vasai ... Respondent

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Mr.Vishal S.Khanavkar for the Petitioner.

Ms.Nisha Mehra, AGP for the Respondent -State.

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

DATE : 10 JANUARY 2024

P.C.:

Case of the Petitioner is that the Petitioner's father Dharma Mahadev Bhoir was a tenant of the lands bearing Survey Nos. 33 and 27/8 along with other co-sharers. It is the Petitioner's case that these lands were acquired by the National Highway Authority for Mumbai-Vadodara National Express Highway and the amount of compensation was deposited. An objection was raised before the Competent Authority and the Competent Authority decided the same under Section 3 (H) (3) of the National Highways Act, 1956 by order dated 25 June 2021. By this order, the Competent Authority observed that since RTS Appeal is pending, the amount of

compensation can be disbursed only after the final decision of the RTS Appeal. Thereafter, according to the Petitioner, the Appeal proceedings were concluded and in spite of bringing to the notice of the Competent Authority that the amount of compensation was not disbursed, the Petitioner had filed Writ Petition No. 6863 of 2021. This Petition was disposed of as withdrawn on 15 February 2022 as the Petitioner had made a statement that the amount of compensation has been deposited in the account of the Petitioner.

2. Now the present Petition is filed contending that when the earlier Petition was withdrawn, the Petitioner was under impression that the amount for acquisition of the land bearing Survey No. 33 was deposited, but it has now transpired that the compensation was paid for Survey No. 27/8 and, therefore, the amount in respect of Survey No. 33 still remains with the Competent Authority.

3. If the case of the Petitioner is correct, then it is open to the Petitioner to apply to the Competent Authority to place on record that all revenue proceedings stand concluded in respect of Survey No. 33. Thereafter, the Competent Authority will give notice to all concerned and look into the Petitioner's case and release the amount of compensation after making due enquiry as per law.

4. Keeping all contentions of the parties open, we dispose of the Writ Petition.

5. Subject to earlier time bound directions, the Competent Authority will take necessary steps as per law within a period of three months from today.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)