

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

WRIT PETITION NO. 33 OF 2024

M/s. Sameer CHS Ltd. And Anr ...Petitioners

Versus

The State Of Maharashtra and Ors ...Respondents

.....

Mr. Anurag R. Kulkarni for the Petitioners.

Ms. R.A. Salunkhe, AGP for Respondent No. 1 to 4.

Ms. Pooja Malik i/b N.R. Bubna for Respondent No. 5.

.....

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

DATE : 9 JANUARY 2024

P.C.:

1. Heard learned counsel for the parties. Grievances of the Petitioners as we could discern from the arguments advanced and as pointed out to us by learned counsel for the Corporation and learned AGP, is that though the Petitioners are entitled to the compensation in respect of an acquisition for construction of fly over, amount has been disbursed to those who are not entitled.

2. Learned counsel for the Petitioners draws our attention to the objection raised by the Petitioners to Sub Divisional Officer (Land Acquisition Officer, Bhivandi, Thane) on 23 August 2023. In this objection Petitioners have sought to

contend that the area in the ownership and possession of the Petitioners has been acquired and therefore necessary inquiry must be conducted and without doing so, compensation should not be disbursed.

3. It appears that thereafter Sub Divisional Officer has proceeded to disburse the amount. We have not been informed if there is any order passed by Sub Divisional Officer, Bhivandi. Sub Divisional Officer. Having received the objection he should have considered the same before disbursing the amount. Be that as it may, as we have been informed that the amount is disbursed, we direct Sub Divisional Officer to decide objections raised by the Petitioners, annexed to this Petition within a period of 6 weeks and pass a reasoned order thereupon. Sub Divisional Officer, if finds that the grievance of the Petitioners is correct, then take remedial steps as regards amount already disbursed, subject to the rights and contentions of the parties who have received the amount.

4. With these observations, Writ Petition is disposed of.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)