

VAISHALI
ANIL
TIKAM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5833 OF 2024

Digitally signed
by VAISHALI
ANIL TIKAM
Date: 2024.04.24
11:40:31 +0530

Gandharva Dhaneshwar Patil ... Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents

.....

Mr. Kishor Patil a/w. Mr. Vinaykumar Khatu a/w. Mr. Amar Gharte a/w.
Ms. Aishwarya Dangle for Petitioner.
Ms. V.R. Raje, AGP for the State.

.....

CORAM : MILIND N. JADHAV, J.

DATED : 22nd APRIL, 2024

P.C. :-

1. Not on board. Upon producing Praceipe, the matter is taken on board. Heard Mr. Patil for Petitioner.

2. Impugned Order dated 29th January, 2024 which is an apportionment and disbursement order passed by the Deputy Collector/Special Land Acquisition Officer is under challenge on the ground of jurisdiction of the Deputy Collector/Special Land Acquisition Officer to pass the same in view of the statutory provisions of Section 51 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short “the said Act”).

3. This Writ Petition is filed on 12th April, 2024 and is moved for urgent

orders today in view of apprehension expressed by the Petitioner that the amount held may be disbursed by the Deputy Collector/Special Land Acquisition Officer in view of the impugned Order to the detriment of the Petitioner.

4. After hearing the Advocates and perusing the impugned Order which is at page 23 of the Writ Petition, prima facie, I am of the opinion that notices will have to be issued to the private Respondents. Needless to state that the Learned Deputy Collector shall hold his hands from effecting any disbursement in the meanwhile until the present Writ Petition is heard and decided.

5. All contentions of parties including that of the private Respondents, if any, are kept expressly open.

6. The learned AGP shall take proper instructions on the issue raised by Mr. Patil under Section 51 of the of the said Act which has been referred to hereinabove and file appropriate affidavit in reply on or before next date.

7. A copy of this Order and copy of the writ petition shall be served on all unrepresented respondents by the learned Advocate for the Petitioner.

8. Issue notice to the unserved Respondents, returnable on 12th June, 2024. Humdast permitted.

9. In addition to court notice, Petitioner is permitted to serve a copy of the Petition and this order on the Respondents and inform about the next date of hearing by any permissible mode of service and file appropriate Affidavit of Service with tangible proof thereof on or before the next date.

10. Stand over to 12th June, 2024.

(MILIND N. JADHAV, J.)