

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6845 OF 2024

Vishwanath Shankar Patil

.. Petitioner

Versus

The Special Land Acquisition Officer, Metro
Centre No.1, Uran and Ors.

.. Respondents

-
- Mr. Saurabh Vivek Patil, Advocate for Petitioner.
 - Mr. Nitesh Bhutekar a/w. Mr. Aniket Nangare, Advocates for Respondent Nos.2 to 5, 12 and 13.

.....
CORAM : MILIND N. JADHAV, J.

DATE : JUNE 11, 2024

P.C.:

1. Heard Mr. Patil, learned Advocate for Petitioner and Mr. Bhutekar, learned Advocate for Respondent Nos.2 to 5, 12 and 13.

2. The grievance is made by Writ Petitioner duly supported by Respondent Nos.2 to 5, 12 and 13 that Division Bench order dated 13.02.2015 appended at Exhibit-B, page No.33 to the Writ Petition is not fully complied with by Government. This order was passed in Civil Application No.670 of 2014 filed by State Government in the pending First Appeal in this Court.

3. It is seen that the order records that the judgment of Reference Court is stayed on the condition that Applicants namely State of Maharashtra and Others deposit the entire decretal amount in Reference Court within a period of 12 weeks.

4. Mr. Patil and Mr. Bhutekar, learned Advocates appearing for

the parties before me would contend that in compliance with the decision of Division Bench an amount of Rs.10,11,58,061/- ought to have been deposited but what has been deposited is an amount of Rs.8,59,25,324/- only. According to them there is a deficit of more than Rs.1.52 Crores yet to be deposited.

5. Be that as it may, they would contend that when they applied for withdrawal of the amount as permitted by the Division Bench in the above order, they were faced with an onerous condition requiring to furnish Bank Guarantee for 100% of the amount sought to be withdrawn.

6. At the outset, Mr. Patil would fairly submit that the Writ Petitioner is ready and willing to furnish a Bank Guarantee of 50% but for withdrawal of the entire 100% amount. Mr. Bhutekar is completely non-committal on this point as he has no such instructions. He appears for the private Respondents / Claimants.

7. Respondent No.1 is the Special Land Acquisition Officer, Metro Centre No.1, Uran. Learned Government Pleader is appearing for Respondent No.1. Today when the matter is heard, Government Pleader is not present. Copy of this order shall be placed before the Chief Government Pleader, Appellate Side. Chief Government Pleader is directed to immediately take cognizance of this order and ensure that when the matter is listed on the next date, the matter is assigned

to an able Assistant Government Pleader and appropriate instructions shall be given in that respect. Mr. Patil would inform that a copy of Writ Petition is already served on the Respondents.

8. Be that as it may, fresh copy of Writ Petition shall be served on the Chief Government Pleader to enable the Chief Government Pleader to assign the Writ Petition to an Assistant Government Pleader who shall take appropriate instructions from the Respondent No.1 on the deficit amount of deposit as alleged by the Petitioner. and file Affidavit-in-Reply within a period of two weeks from today. If Affidavit-in-Reply as directed by this Court is not filed, this Court shall proceed with the hearing of the present Writ Petition and pass appropriate orders for allowing withdrawal of the amount in favour of Petitioner by imposing appropriate conditions.

9. Mr. Bhutekar after hearing the order being dictated in Court would submit that he appears for private Respondents who are also sailing in the same boat as the Petitioner. He would submit that he would obtain appropriate instructions and inform the Court accordingly so that appropriate orders can also be passed by the Court in respect of other Claimants who are desirous of withdrawing the amount deposited by the Special Land Acquisition Officer.

10. Chief Government Pleader is directed to take cognizance and file Affidavit-in-Reply in both the Writ Petitions.

11. List the present Writ petition alongwith Writ Petition
No.6813 of 2024 on **25th June, 2024.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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SAWANT

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