



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12683 OF 2024

Smt. Gulab Tulshiram Patil

... Petitioner

Versus

State of Maharashtra, through Public Works
Department & Ors.

... Respondents

Ms. Aditi S. Naikar a/w. Rushikesh S. Kekane for the petitioner.

Ms. M.S. Bane, AGP for the State.

Mr. Vijay V. Nene for respondent nos. 5 & 6.

CORAM: G. S. KULKARNI &
SOMASEKHAR SUNDARESAN, JJ.
Date : 3 October, 2024

PC:

1. We have heard learned counsel for the parties.
2. This petition under Article 226 of the Constitution of India is filed
praying for the following reliefs:

“a) That this Hon’ble Court may be pleased to issue a Writ of Mandamus or any other Writ in the nature of Mandamus directing the respondents to hear and decide the Objection dated 2nd July, 2024 (annexed as Exhibit-F) regarding disbursement of compensation pursuant to the acquisition under the Maharashtra Highways Act in respect of the said properties, i.e., properties being land bearing Survey No. 41/3, 42/2, 44/2, 47/1, 48/2, 49/1/A, 49/1/B, 49/2, 49/4, 54/2, 56/1, 60/1, 61/1/A, 61/2, 61/1/D, 62, 66/2/A, 66/2/B, 66/3, 67, 68/3, 68/4, 68/7/B and 72/1 situate at Village : Karvale, Taluka : Ambernath, District: Thane expeditiously and in a time bound manner after giving an opportunity of hearing to the petitioner.

b) That this Hon’ble Court may be pleased to issue a Writ of

Mandamus or any other Writ in the nature of Mandamus directing respondent nos. 1 to 3 not to disburse the amount of compensation in respect of the said properties, i.e., properties being land bearing Survey No. 41/3, 42/2, 44/2, 47/1, 48/2, 49/1/A, 49/1/B, 49/2, 49/4, 54/2, 56/1, 60/1, 61/1/A, 61/2, 61/1/D, 62, 66/2/A, 66/2/B, 66/3, 67, 68/3, 68/4, 68/7/B and 72/1 situate at Village : Karvale, Taluka : Ambernath, District: Thane till the Objection dated 2nd July, 2024 filed by the petitioner is decided.

c) That pending the hearing and final disposal of the present Writ Petition, respondent nos. 1 and 2 be restrained by an order of Injunction of this Hon'ble Court from disbursing the compensation in respect of said properties, i.e., properties being land bearing Survey No. 41/3, 42/2, 44/2, 47/1, 48/2, 49/1/A, 49/1/B, 49/2, 49/4, 54/2, 56/1, 60/1, 61/1/A, 61/2, 61/1/D, 62, 66/2/A, 66/2/B, 66/3, 67, 68/3, 68/4, 68/7/B and 72/1 situate at Village : Karvale, Taluka : Ambernath, District: Thane in favour of respondent nos. 4 to 8.

d) That pending the hearing and final disposal of the present Writ Petition, respondent nos. 1 and 2 be directed to deposit the amount of compensation payable in respect of said properties, i.e., properties being land bearing Survey No. 41/3, 42/2, 44/2, 47/1, 48/2, 49/1/A, 49/1/B, 49/2, 49/4, 54/2, 56/1, 60/1, 61/1/A, 61/2, 61/1/D, 62, 66/2/A, 66/2/B, 66/3, 67, 68/3, 68/4, 68/7/B and 72/1 situate at Village : Karvale, Taluka : Ambernath, District: Thane in this Court."

3. There appears to be dispute between the petitioner and the private respondents in relation to the land which was subject matter of acquisition for Virar Alibaug Highway.

4. Learned counsel for the petitioner has brought to our notice that a dispute raised by the petitioner in regard to the petitioner's interest on apportionment of compensation, being Application dated 2 July, 2024 (Exhibit -F). It is her contention that such application is not yet decided and in the event the grievance of the petitioner is not been decided by the

SLAO/respondent no. 2, the same will be required to be referred for adjudication before the appropriate Civil Court under the provisions of Section 19C of the Maharashtra Highways Act, 1955.

5. As such proceedings are pending before respondent no. 2, in our opinion, it would be appropriate and in the interest of justice that the petition is disposed of by the following order:

ORDER

(i) Respondent no. 2 is directed to decide the petitioner's application dated 2 July, 2024 within a period of four weeks from today.

(ii) In the event, any dispute on the apportionment of compensation subsists after an award is published, respondent no. 2 shall make a reference under Section 19C of the Maharashtra Highways Act, 1955 within two weeks of the passing of the award.

6. We may also observe that this order ought not to be construed as any reflection on the merits of disputes, which is subject matter of pending suit between the petitioner and the private respondents.

7. All contentions of the parties on all proceedings are expressly kept open.

8. Disposed of.

(SOMASEKHAR SUNDARESAN, J.)

(G. S. KULKARNI, J.)