

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14430 OF 2024

Nandkumar Sarjerao Gote & Ors.

..Petitioners

Vs.

The State of Maharashtra & Ors.

...Respondents

Mr. Kalpesh Patil with Mr. Pratik Rahade for Petitioners.

Ms. S. S. Bhende, AGP for State.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONTWALLA, JJ.

DATED: 17 OCTOBER 2024

P.C.

1. Leave to amend to implead the Maharashtra State Road Development Corporation (MSRDC) as a party respondent. Let the added respondent be served with the notice. In addition to the Court notice, learned advocate for the petitioners is permitted to serve the added respondent by private service by all permissible modes and place on record an affidavit of service.

2. In the event despite service of notice the added respondent is not represented on the adjourned date of hearing, the Court shall proceed to hear the parties as appearing and pass appropriate orders.

3. Considering the peculiar facts of the case and more particularly that the Sub-Divisional Officer/SLAO although paid the amount of compensation to the petitioners, an illegal action of freezing the petitioners' account is taken qua the amount of compensation as paid. Learned counsel

for the petitioners submits that the SDO would not have any such jurisdiction to resort to such action and more particularly when the possession of the petitioners' land was taken over.

4. We would accordingly direct the SDO to file a reply affidavit as also explaining the jurisdiction and powers to freeze the account as also to withdraw the compensation amount as already paid to the petitioners.

5. List the proceedings on **14 November 2024**. Let an affidavit be placed on record.(H.O.B.).

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)