



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 7585 of 2023

Rajendra Gupta ..vs.. Sub-Divisional Officer, Akot, Notified as CALA for land acquisition under
Notification dated 29-1-2013 of Chief Administrative Officer (Construction), South Central Railway
Secunderabad, Dist. Secunderabad (Telangana) and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. R. Johrapurkar, Advocate for the petitioner
Mr. A. M. Ghogre, AGP for respondent nos. 1 and 2
Ms. S. F. Mirza, Advocate for respondent no. 5

CORAM : ANIL L. PANSARE J.

DATED : 18-09-2024

Heard.

2. The petitioner had filed suit for specific performance of contract against respondent no. 5 which came to be dismissed vide judgment and order dated 9-3-2021. The petitioner has carried the matter before the first appellate Court in Regular Civil Appeal No. 2/2021 and is pending before the District Judge-1, Akot, District Akola.

3. Pending appeal, the suit land was acquired by respondent no. 3. The respondent no. 1 - Sub Divisional Officer, Akot is the acquisition officer. The apprehension of the petitioner is that respondent no. 1 may release the amount of compensation in favour of respondent no. 5 without giving him opportunity of hearing in terms of Section 20D of the Railways Act, 1989.

4. Sub-section (2) of Section 20D provides that the competent authority (in the present case, respondent no. 1) shall give the objector an opportunity of being

heard, either in person or by a legal practitioner, and may, after hearing the objections so raised and after making such further enquiry, if any, either allow or disallow the objections.

5. In the present case, respondent no. 1 has, by letter dated 27-9-2023, informed the petitioner that his objection has been, for the time being, filed.

6. Learned counsel for the petitioner submits that the respondent no. 1 is all set to release the compensation in favour of respondent no. 5 without giving him opportunity of hearing because his objection has been filed.

7. As against, learned counsel for respondent no. 5 submits that in Writ Petition No. 6368/2023, this Court vide order dated 12-12-2023 has permitted the respondent no. 5 to withdraw and receive the compensation of Rs. 2,23,87,200/- and upon receipt of the same, to deposit a sum of Rs. 10,00,000/- with the first appellate Court. This order was challenged in SLP before the Hon'ble Supreme Court, which came to be dismissed. She submits that despite such direction, the respondent no.1 has not released the aforesaid amount on the count that instant writ petition is pending.

8. Learned counsel for respondent no. 5 has further invited my attention to letter dated 29-2-2024 addressed to the petitioner by the respondent no. 1 calling his response to the status of the present petition.

9. Thus, it appears that pendency of present petition is a hurdle to disburse the amount of

compensation as directed by this Court in Writ Petition No. 6368/2023.

10. In the circumstances, the purpose will be served if the respondent no. 1 is directed to release amount of compensation after giving an opportunity of hearing to the petitioner in terms of sub-section (2) of Section 20D of the Railways Act, 1989. Needless to say that respondent no. 1 is bound by the order dated 12-12-2023 passed by this Court in Writ Petition No. 6368/2023 and shall act upon it while passing order under Section 20D of the Railways Act, 1989. Order accordingly.

11. The parties shall appear before respondent no. 1 on 7-10-2024 for this purpose, upon which, the respondent no. 1 shall within one week, take a decision in the light of what has been stated in this order.

12. Writ petition is accordingly disposed of.

(Anil L. Pansare, J.)