

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6031 OF 2025

Nitinkumar Nandlal Jain

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

- Mr. Jitendra Patil And Anirudh P. Jain, for Petitioner.
- Ms. S. S. Joshi, AGP for Respondents.

**CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 12th AUGUST 2025.

P. C. :

1. This petition was disposed of by an order dated 06th August 2025. In respect of the said order the learned AGP seeks speaking to the minutes, indicating that a factual position needs to be clarified. It is brought to our notice that although the said order records written instructions given by the Sub Divisional Officer to the learned AGP with regard to a particular issue arising in the matter, such instructions were never received by the learned AGP herself, but a certified copy of such written instructions was produced by the learned counsel for the petitioner before the Court. The learned AGP requests that the said factual clarification may be incorporated in the said order.

2. The learned counsel for the petitioner indeed submits that

when the petitioner approached the Sub Divisional Officer relying upon earlier order dated 22nd July 2025, passed by this Court, the Sub Divisional Officer stated that written instructions had been issued to the learned AGP in that regard. On that basis, the petitioner applied for certified copy of the said document and thereupon produced the same before this Court on 06th August 2025.

3. In the light of the above, paragraph Nos.3 and 5 of the order dated 06th August 2025, shall stand corrected and read as follows :

“3. When the petition is called out for hearing, it is brought to our notice that respondent No. 4 – the Sub-Divisional Officer has given written instructions to the learned AGP, as per certified copy of the said instructions produced by the learned counsel for the petitioner before this Court, stating that balance 30% of the amount payable under Section 40(3) of the aforesaid Act, would be paid to the petitioner as soon as it is received from the acquiring body.

5. In view of the above and particularly in light of the written instructions dated 24.07.2025 sent by respondent No. 4 – Sub-Divisional Officer to the learned AGP, certified copy of which is produced by the learned counsel for the petitioner before this Court, we direct that the balance amount of 30%

payable to the petitioner under Section 40(3) of the aforesaid Act shall be paid to the petitioner within eight (08) weeks from today.”

4. The order be corrected and the corrected order be uploaded on the website.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)