



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

39 WRIT PETITION NO. 7138 OF 2025

SHIVADAS MANKU BHIL

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Chaudhari Chetan Barku, Advocate for the Petitioner

Mr. P. D. Patil, AGP for Respondents-state

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 16.06.2025

PER COURT :-

. Heard Mr. Chaudhari, learned Advocate appearing for petitioner. He points out that land survey No.53, situated at village Wadishevade Tq. Sindkheda Dist. Dhule, was acquired under award No. 50/96 dated 24.03.1999. It was standing in the name of petitioner and his brother Devidas. Accordingly, award was passed in name of both brothers for compensation @ Rs.39,000/ per hectare.

2. Later on, Devidas alone filed reference under Section 18 of the Land Acquisition Act before Civil Judge, Senior Division seeking enhanced compensation towards entire acquired land, excluding name of petitioner. Reference Court passed award of enhanced compensation. In appeal filed by acquiring body compromise was recorded before the Lok Adalat and entire

compensation amount has been deposited by acquiring body. When executing Court was about to disburse amount in favour of Devidas, petitioner came to know about fraud exercised by his brother, therefore, filed application Exhibit-13 before executing court in Special Darkast No.78 of 2025, requesting to not to release entire compensation amount in the name of respondent No.3. However, executing court vide impugned order dated 06.05.2025 rejected application on the ground that application was not verified and identification of applicant is not established. It is further observed that if applicant has objection to release of compensation amount, he shall be at liberty to file civil suit.

3. Learned Advocate appearing for petitioner submits that when acquired land was jointly owned by petitioner and respondent No.3, the enhanced compensation has to be equally apportioned. Hence, objection ought to have been entertained by Executing Court.

4. It can be observed that proceedings for enhancement of compensation in LAR No.478 of 2004 was instituted by respondent No.3 however, pretending that entire acquired land was exclusively owned by him, he obtained award of enhanced compensation in his name. Applicant filed his objection directly in the execution of award when enhanced compensation amount was deposited by acquiring body and it was transmitted for disbursement in Special Darkast No.78 of 2025.

5. In this background, Executing Court has rightly disposed of application with remark that applicant has remedy to file civil suit seeking appropriate relief. Therefore, no interference is required in the impugned order.

6. At this stage, learned advocate appearing for petitioner submits that petitioner will file suit before the Competent Court of jurisdiction claiming relief of declaration as to his entitlement in the compensation amount, but till then amount lying with Executing Court be withhold for limited period.

7. Considering submissions advanced, the Executing Court shall withhold 50% of compensation amount deposited by acquiring body for a period of four weeks from today. Meanwhile petitioner may file appropriate civil suit for redressal of grievance.

8. It is made clear that on expiry of four weeks period, Executing Court shall be at liberty to pass appropriate orders as to disbursement of amount.

[S. G. CHAPALGAONKAR, J.]

HRJadhav