

PRACHI  
PRANESH  
NANDIWADEKAR

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by PRACHI  
PRANESH  
NANDIWADEKAR  
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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.607 OF 2024**

Jyoti Ganesh Bade & Anr. .. Petitioners  
**Versus**  
Competent Authority Land Acquisition  
and Sub-Divisional Officer & Ors. .. Respondents

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**Ms. Manisha Devkar a/w Ms. Siddhi Patil** for the petitioners.  
**Mr. R. S. Pawar, AGP** for the respondent-State  
**Mr. Mr. Kalpesh U. Patil** for respondent nos.3 & 5.

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**CORAM M.S. Sonak &  
Jitendra Jain, JJ.**  
**DATED: 20 March 2025**

**PC :-**

1. Heard learned counsel for the parties.
2. On 25 February 2025, we made the following order in this matter :-

*“PC. :-*

*1. Heard learned counsel for the parties.*

*2. On 20 February 2025, we made the following order :-*

*“1. Heard learned counsel for the parties.*

*2. The learned counsel for the Petitioners and Respondent Nos.3 and 4, based on instructions have submitted before the Court that they have settled their present differences. They stated that Respondent Nos. 3 and 4 would pay 1/6th of the compensation with accrued interest to the Petitioners. The Petitioners would withdraw the pending suit and DV proceedings. The learned counsel for the parties requests deferment upto 25 February 2025 for filing consent terms so that this petition could be disposed off.*

*2. List the matter on 25 February 2025 for directions / disposal / filing of consent terms.”*

*3. Today, Mr Kalpesh Patil, learned counsel for Respondents 3 and 4, based on instructions from Respondents 3 and 4, who are present in the Court, states that a compromise is possible provided the Petitioners, after receiving Rs.22,00,000/- towards her claim for one-*

sixth share in the acquired property, give up her right in the unacquired properties by withdrawing the Suit filed by her. On instructions, he submitted that the Petitioner must also withdraw the DV case filed by her, inter alia, for maintenance.

4. Naturally, the Petitioners were not prepared for this. Even if the Petitioners were to be ready for this, as a Writ Court exercising discretionary and equitable jurisdiction, we would not have given our imprimatur to such a compromise.

5. The first Petitioner, aged 24 years, is a widowed daughter-in-law of the third Respondent, and the second Petitioner is the first Petitioner's 9-year-old daughter and granddaughter of the third Respondent. The first Petitioner's husband, i.e., son of the third Respondent, expired, allegedly by committing suicide.

6. The Petitioners have been ousted from the family home. However, in this Court, an offer was made that they could return to the family home, provided they did not insist upon any share in the compensation. Given the turn of events between 20 February 2025 and today, such an offer hardly inspires confidence.

7. At least prima facie, once a dispute was raised about apportionment, the Land Acquisition Authorities were not justified in rejecting the Petitioners' claim and paying the entire compensation amount of Rs.1,21,91,912/- to Respondents 3 and 4. Such apportionment and disbursal by the Land Acquisition Authorities was prima facie contrary to the law and in breach of the Hon'ble Supreme Court's decision in the case of Vinod Kumar and others Vs. District Magistrate Mau and others. Such action was also in violation of law laid down in Sojar @ Rukminibai W/o Hari Mule Vs. Krishnath @ Krishna S/o Gopal Tate and Others. Therefore, the Petitioners made a strong prima facie case in this matter.

8. In this matter, we must record and appreciate that Mr Kalpesh Patil, learned counsel for Respondents 3 and 4, has adopted a very fair approach while doing his professional duty towards the parties he represents. We record that he tried his best to see whether any settlement was possible on terms honourable to both parties. At the same time, he quite forthrightly put forth the contentions on behalf of Respondents 3 and 4, including the contention that this was Respondent No.3's self-acquired property.

9. Ultimately, through the good offices of Mr Kalpesh Patil, the third and fourth Respondents, who are present in the Court, proposed that they would invest Rs.22,00,000/- corresponding to the claim of one-sixth share in the acquired property in the name of the second Petitioner, i.e., the granddaughter of the third Respondent. Mr Patil, on the instruction of Respondents 3 and 4, suggested that this amount should be maintained in the fixed deposit that the second Petitioner could avail of on attaining majority.

10. For the present, we partially accept the above proposal, consistent with the same, direct the third Respondent to deposit the amount of Rs.22,00,000/- in this Court on or before 12 March 2025. Upon such amount being deposited in this Court, we will, in consultation with the Petitioners and third and fourth Respondents, decide on the mode of investment of this amount and whether some provision should be made for the maintenance of the petitioners.

11. At least prima facie, some provision will have to be made for the maintenance of the Petitioners. Therefore, we will consider whether some interest should be released to the Petitioners or other provisions should be made in this regard.

12. Therefore, by directing the third and fourth Respondents to deposit a consolidated amount of Rs.22,00,000/- in this Court by 12 March 2025, we post this matter on 13 March

2025 for directions (First on Board).

13. Suppose there is any default in the deposit of the above amount. In that case, we will consider issuing directions to recall the entire amount that has prima facie been illegally disbursed to third and fourth Respondents.

14. All concerned must act on an authenticated copy of this order."

3. Pursuant to the above order, respondents nos.3 and 4 have deposited an amount of Rs.22 lakh in this Court. Mr Kalpesh Patil, learned counsel for respondents nos.3 and 4, clarified that this deposit was without prejudice to the contention of respondents nos.3 and 4 that the petitioners are not entitled to any right, title or interest in the acquired property or even unacquired portion of the same property. He pointed out that the petitioners have already filed Regular Civil Suit No.1025 of 2017 before the Civil Judge, Junior Division at Malshiras, which is pending adjudication.

4. Now that this amount is deposited, we direct the Registry to invest this amount in the Maharashtra Bank, Nimgaon, where the petitioners already have the following Bank Account: -

|                            |                                                   |
|----------------------------|---------------------------------------------------|
| Bank Name                  | Bank of Maharashtra                               |
| Account Number             | 60299881160                                       |
| MICR Code                  | 413014035                                         |
| IFSC Code                  | MAHB0001037                                       |
| Name of the account holder | Mrs. Jyoti Ganesh Bade<br>Miss. Gatha Ganesh Bade |
| Address of the Bank        | Nimgaon (Madha) Teh Madha<br>Nimgaon (Solapur)    |
| Branch                     | Nimgaon (Solapur) (1037)                          |

5. The Member Secretary, Maharashtra Legal Services Authority, is requested to assist the petitioners and the Registry in seeing that this amount is invested correctly in the above-mentioned account of the Bank of Maharashtra. This investment must be in the name of the petitioners with a clear mandate that the petitioners will not be able to break this Fixed Deposit or otherwise disinvest the invested amount without leave of the Civil Judge Junior Division dealing with Regular Civil Suit No.1025 of 2017 and until the 2<sup>nd</sup> Petitioner attains majority. The learned Civil Judge must have regard to the interests of the 2<sup>nd</sup> petitioner in dealing with any applications for the disinvestment.

6. However, the petitioners will be entitled to withdraw interest from this investment every quarter. The Bank of Maharashtra will permit the petitioners to withdraw this interest amount each quarter by transferring it into the petitioners' above bank account in the same bank.

7. The deposit of this amount should not influence the proceedings in Regular Civil Suit No. 1025 of 2017 and Criminal Miscellaneous Application No. 690 of 2017 under The Protection of Women from Domestic Violence Act 2005, instituted by the petitioners. This factor of deposit or permission to withdraw the interest should not be considered by the civil court or the court adjudicating the matter under The Protection of Women from Domestic Violence Act 2005. These matters must be decided without influence from this

factor, on their own merits and in accordance with the law.

8. Typically, this dispute should have been referred to the District Court because this was a dispute about the apportionment of the compensation. But a suit is already pending involving the issue of entitlement to the property, a portion of which was acquired. Therefore, in the peculiar facts of this case, and to avoid multiplicity of proceedings, which at least the petitioners can hardly afford, we direct that this dispute about the property's entitlement be decided in the suit referred to above. The learned counsel for the parties agree to the adoption of this course of action.

9. Based on the above order, we dispose of the petition. The parties should try to settle their dispute could be sorted out through Mediation. We request the Civil Judge Junior Division taking up the Regular Civil Suit No.1025 of 2017 to persuade the parties to at least attempt a resolution through Mediation.

10. All concerned to act on the authenticated copy of this order.

**Jitendra Jain, J)**

**(M.S. Sonak, J)**