

Darshan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 607 OF 2024

Jyoti Ganesh Bade and Anr. ...Petitioners

Versus

Competent Authority Land
Acquisition and Ors. ...Respondents

Ms Manisha Devkar, a/w Mr Shankar Katkar, Ms Siddhi Patil,
Mr Rajani Gade, for the Petitioners.

Mr Kalpesh U Patil, for the Respondent/Husband.

Mr Akshay Shinde, for the State – B Panel Counsel.

Shri Chandrakant M Bade – Respondent No.3 and Shri
Mahesh C Bade – Respondent No.4 – Present in Court.

DARSHAN
PRAKASH
PATIL

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**CORAM: M.S. Sonak &
Jitendra Jain, JJ.**

DATED: 25 February 2025

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.

1. 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 of.

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**¹. 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**². 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

¹ AIR 2023 SC 3337

² Writ Petition No. 2679 of 2024 decided on 13 February 2025 by this Court

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 and, 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.

(Jitendra Jain, J)

(M.S. Sonak, J)