

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12727 OF 2025**

Shivaji Bhiku Akhade

..Petitioner

Versus

State of Maharashtra & Ors

...Respondents

Ms. Vaishnavi Gujarathi, with Sanket Dorugade, for the Petitioner.
Smt. S.R. Crasto, AGP, for the Respondent-State.

CORAM: N. J. JAMADAR, J.

DATE : 6th OCTOBER 2025

ORDER:

1. The challenge in this Petition is to an order passed by the learned District Judge -2, Baramati, District – Pune, on 22nd October 2024, whereby the learned District Judge directed the release of the amount deposited by the Judgment Debtors in Land Acquisition Reference No. 213 of 2004, in favour of the Applicants in equal proportion.

2. The Petitioner-Claimant Nos. 1 and Respondent No. 5 to 13-Claimant Nos. 2 to 10 had filed LAR No. 213 of 2004 for enhancement of the compensation determined by the Land Acquisition Collector under Section 11 of the Land Acquisition Act, 1894 (“the Act, 1894”).

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3. LAR No. 213 of 2004 and the connected references were decided by the Reference Court by a common judgment and award dated 4th February 2017.

4. The Claimants filed an Execution Application being LAR Darkhast No. 9 of 2018. The Respondents-Judgment Debtors deposited the award amount before the executing Court. By the impugned order dated 22nd October 2024, the learned District Judge -2 directed the release of the compensation amount in equal proportion.

5. It appears on 14th November 2024, the Petitioner filed an Application (Exhibit "36") before the executing Court seeking a direction to release the entire amount of compensation, i.e., Rs. 27,59,509/- in favour of the Petitioner alone. It was contended that the acquired property, i.e., 29 R land out of Survey No. 61/1A/1 exclusively belonged to the Petitioner. The Claimant Nos. 2 to 10-Respondent Nos. 5 to 13 had no right, title and interest therein. They were merely impleaded as necessary parties to the Reference. Therefore, the entire amount of compensation was required to be paid to the Petitioner, alone.

6. Ms. Gujarathi, the learned Counsel for the Petitioner, would urge that the executing Court ought not to have directed the release of the amount of compensation in equal proportion. An endeavour was made

to draw home the point out that the compensation was awarded in lieu of the acquired land which exclusively belonged to the Petitioner.

7. I am afraid the submission can be readily accepted in this Petition and at his stage. Evidently the Reference was at the instance of the Petitioner as well as the Respondent Nos. 5 to 13- Claimant Nos. 2 to 10. The award was passed in favour of the Claimants. Conversely, it does not appear that any dispute as to the apportionment of the compensation was raised by the Petitioner as envisaged by Section 30 of the Act, 1894. In the absence thereof, at the stage of the execution and that too after the order of release of the amount in equal proportion was passed by the executing Court, the grievance of the Petitioner could not have been entertained by the executing Court. In any event, the executing Court could not have gone behind the judgment and award passed by the reference Court in LAR No. 213 of 2004.

8. In the aforesaid view of the matter, this Court does not find any propriety in entertaining the instant Petition.

9. Needless to clarify that the Petitioner would be at liberty to workout the remedies as available in law.

10. Petition stands dismissed.

[N. J. JAMADAR, J.]