



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2237 OF 2024
Niwrutti S/o Ramaji Ninawe Vs. The Collector, Nagpur and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. N.A. Jachak, Advocate for Petitioner
Mr. A.V. Palshikar, AGP for Respondent Nos. 1 and 2
Mr. M. V. Arya, Adv. h/f Mr. N.A. Lalwani, Adv. for Respondent No.3

**CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**

DATED : 31st JANUARY, 2025

1. The petition seeks the disbursement of amount of compensation awarded in terms of Award dated 22.12.2022 in terms of the provisions of the State Highways Act, which according to the learned counsel for the petitioner has not been disbursed to the petitioner in proportion to their entitlement. It is contended that the petitioner is entitled to compensation of Rs.1,84,15,291/- and the balance compensation of Rs.4,67,809/-, out of the total compensation of Rs.1,88,83,100/- is payable to the respondent no.4. For this he places reliance upon the affidavit of respondent no.3 at page 37 dated 02.8.2023 and of the respondent no.4 of the same date (page 40). It is necessary to note that the respondent no.4 is transferee of respondent No. 3

and though served has not appeared. Learned counsel for respondent No. 3, Mr. M.V. Arya holding for Mr. Lalwani, learned counsel does not dispute the correctness of the affidavit dated 2.8.2023 by the respondent No. 3 and the entitlement of the petitioner to the amount of Rs. 1,84,15,291/- out of the total compensation payable in respect of acquisition of proportion of land field survey no. 74/1 Mouza Shivmadka, Tah. Hingna, District Nagpur.

2. Though it is contended by the learned AGP that the petitioners have not come with the requisite documents for receiving the compensation, however, since the entire amount of compensation stands deposited in this court which is indicated by noting of faradsheet dated 27.1.2025 in pursuance to the order of this Court dated 24.1.2024, we deem it appropriate to decide the petition here itself. Accordingly accepting the affidavit, dated 02.08.2023, sworn by the respondent No. 3 and statement of the learned counsel for the respondent No.3, present before this Court, we direct that a compensation of Rs.1,84,15,291/- be paid to the petitioner and the balance be paid to the respondent No.4 at the request of the respondent No. 3. This would be however, subject to any claims, which may

be made by the respondent No. 4 against the present petitioner. In case the RTGS details are supplied, the registry shall transmit the amount in the said account. The petition is allowed in above terms. The prayer for interest is rejected. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

MP Deshpande