

MHJN010038752019



**ORDER BELOW EXH.79 IN L.A.R.No. 268/2019**

[ Keshav Netke Vs. Atin Shingare ]

1. Perused application and Say filed by the Non applicant No 1. Heard Advocate Mrs Kulkarni for the Non-applicant No. 2 and Advocate Kulkarni the Ld Advocate for the Non-applicant No 1.

2. This is a reference under section 19C (4) of the Maharashtra Highways Act ( hereinafter referred to as the Act ) for apportionment of the compensation amount. The Non-applicant No 1 has not led any evidence. The Non-applicant No 2 has led his evidence through his Power of Attorney Holder. The Non-applicant No 2 has filed this application to summon the Applicant, Shri Keshav Netake, the then Sub-Divisional Officer and the Resident Collector, Latur calling upon him to bring the entire Record and Proceedings of the Acquisition Proceeding, including the Award, the record of Schedule 16, the modified Schedule etc.

3. The applicant has contested the application. It is submitted that this being an application under Section 19 C (4) of the

Act, this Court cannot change or alter the award. The application be therefore rejected.

4. The non applicant No 1 has objected the application on the ground that the certified copies of the above documents can be obtained and produced. It is submitted that the application is not tenable and should be rejected. The non applicant Nos 3 and 4 have adopted the say filed by the non-applicant No 1.

5. This is a reference under Section 19 C (4) of the Act. Section 19 C (4) of the Act provides that if any dispute arises regarding the apportionment of the compensation amount, the Land Acquisition Officer has the authority to refer the dispute to the Court for decision. It is then for the Court to hear the dispute and determine the apportionment of compensation and the persons to whom it is payable. In such circumstances, in my opinion the proceedings before the Sub-Divisional Officer is not required. That apart, as rightly submitted, the Non-applicant No 2 can produce the certified copies of the documents it wants to rely. The Ld Advocate for the Non-Applicant No 2 though granted sufficient opportunity could not satisfy as to why the evidence of the witness is necessary. I do not find any reason to examine the Ld Sub-Divisional Officer to decide the

application. Hence, the following order.

**ORDER**

Application stands rejected.

Date : 29.03.2025

( V.M. Mohite )  
Principal District Judge,  
Jalna.