

MHJN010038752019



ORDER BELOW EXH.88 IN L.A.R.No.268/2019

1. Perused application and say filed by the non-applicant no.1 and non-applicant nos 3 and 4. Heard, Adv.P.W.Kulkarni, the learned Advocate for non-applicant no.1, Adv. Mrs.B.A.Kulkarni, the learned Advocate for the non-applicant no.2 and Adv.G.L.Mante, the learned Advocate for non-applicant nos.3 and 4.
2. By the present application the non-applicant no.2 is wanting to issue witness summons to the Deputy Superintendent of Land Record, Jalna as a witness, calling upon him to produce the report dated 11/11/2024 submitted by him to the Sub-Divisional Officer and also the complaint application and other documents of enquiry.
3. The application is objected by the non-applicant nos.3 and 4 mainly on the ground that it is not maintainable. It has no relevance to the application before us.
4. This is a reference u/s. 19(c)(4) of the Maharashtra Highways Act for apportionment of the compensation amount.

Section 19(c) reads as under.

“19C. (1) The amount determined under section 19B shall be deposited by the State Government, in the prescribed manner, with the Land Acquisition Officer before taking possession of the land.

(2) As soon as may be after the amount has been deposited under sub-section(1), the Land Acquisition Officer shall on behalf of the State Government pay the amount to the person or persons entitled thereto.

(3) Where several persons claim to be interested in the amount deposited under sub-section(1), the Land Acquisition Officer shall determine the persons who in his opinion are entitled to receive the amount payable to each of them.

(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the Land Acquisition Officer shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

(5) Where the amount determined under sub-section (8) of section 19 B by the arbitrator is in excess of the amount determined by the Land

Acquisition Officer, the arbitrator may award interest at nine per cent per annum on such excess amount from the date of taking possession under section 19 till the date of the actual deposit thereof.

(6) Where the amount determined by the arbitrator is in excess of the amount determined by the Land Acquisition Officer, the excess amount together with an interest, if any, awarded under sub-section (5), shall be deposited by the State Government, in the prescribed manner, with the Land Acquisition Officer and the provisions of sub-sections (2) to (4) shall apply to such deposit.”

5. Thus, 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.

6. By issuing witness summons to the Deputy Superintendent of Land Record, Jalna the applicant is wanting to prove that the award issued by the Competent Authority is based on bogus documents. The applicant also wants to establish that in the initial Schedule 16, the name of the legal heirs of non-applicant

no.2 was mentioned. However in the award their names do not appear. It is in these circumstances that the application is filed.

7. The non-applicant had filed a similar application to summon the applicant Shri. Keshav Netke, the then Sub-Divisional Officer and Resident Collector, Latur calling him to bring the entire record and proceedings of the acquisition. I had rejected the application on the ground that the non-applicant no.2 can instead file certified copies. The non-applicant no.2 had also not satisfied as to why the evidence of the witness was necessary. As far as the present application is concerned, the non-applicant no.2 is more or less demanding the same documents from the Deputy Superintendent of Land Records.

8. What the non-applicant no.2 is doing in this proceedings is that he is challenging award. It is therefore he is applying for summons to witnesses and calling them with the papers of Award to show that the Award is not valid or is illegal. This is not a scope and ambit of this proceedings. This being an application u/s. 9(c) of the Maharashtra Highways Act, this court cannot enter into the question about the legality of the award.

9. In view of the entire discussion, in my opinion, the witness sought to be summoned by the non-applicant no.2 is not relevant for the purpose of deciding the present proceedings. I do not find

any reason to issue witness summons to the Deputy Superintendent of Land Record, Jalna as the witness. Hence, the following order.

ORDER

Application is rejected with costs.

Date :- 11/08/2025

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

CERTIFICATE

I affirm that the contents of the P.D.F. file is word to word as per the original order.

Name of Stenographer : A.P.Deshmukh
Name of the Court : Principal District and Sessions Court, Jalna.
Date : 18.08.2025

Sd/-
Stenographer Grade-