

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4619 OF 2025

Dipa Kamlakar Gaikar and another ... Petitioners
Vs.
Competent Authority and Sub-Divisional Officer,
Kalyan Division at Kalyan and others ... Respondents

Mr. Dushyant S. Pagare for Petitioners.
Ms. Savita Prabhune, AGP for Respondent-State.
Mr. Harsh Moorjani a/w. Mr. Devesh Juvekar and Ms. Kavita Brid Chavan i/b.
Rajani Associates for Respondent No.2.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**

DATE : JANUARY 07, 2026

P.C. :

. Heard Mr. Pagare, learned counsel for the petitioners, Ms.Prabhune, learned AGP for respondent Nos.1 and 3 as also Mr.Moorjani, learned counsel appearing for respondent No.2.

2. By this petition, the petitioners are seeking a direction to respondent No.2 to deposit amount of compensation payable under the provisions of the Indian Telegraph Act, 1885 in respect of the land in question, with the Court of Civil Judge Senior Division, Kalyan, wherein Special Civil Suit No.204 of 2017 is pending between the petitioners and respondent No.4.

3. The learned counsel for respondent No.2, on instructions, makes a statement that the entire amount payable towards compensation was disbursed to the respondent No.4. He submits that if the petitioners claim any right in the said amount of compensation, as per *proviso* to Section 16(5) of the aforesaid Act, the petitioners can institute appropriate

proceedings for recovery of the amount from the respondent No.4.

4. We are of the opinion that if the amount has been already paid to the respondent No.4, the petitioners can be granted liberty to move an appropriate application in the pending suit before the Competent Court at Kalyan, seeking such a direction against the respondent No.4.

5. Issue notice on the aforesaid limited aspect of the matter, for final disposal of this petition, returnable on 10.02.2026, High on Board.

6. Ms.Prabhune, learned AGP waives notice on behalf of respondent Nos.1 and 3 and Mr. Moorjani, learned counsel waives notice for respondent No.2.

7. Additionally, the petitioners are permitted to serve the respondent No.4 by way of private service and to file an affidavit of service before the next date of hearing.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)