

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7167 OF 2021

Ramesh Hari Kini and Ors.

...Petitioners

Versus

The Competent Authority & Ors.

...Respondents

Adv. Shailesh S. Redekar for the Petitioner.

Mrs. R.M. Shinde, AGP for Respondent – State.

Mr. Anil D'Souza for Respondent Nos. 2 to 4.

CORAM : PRASANNA B. VARALE &
MADHAV J. JAMDAR, JJ

DATE : OCTOBER 27, 2021.

PER COURT :

1. Heard learned Counsel for the Petitioners.
2. Learned Counsel for the Petitioners submits that order passed by the competent authority i.e. Sub-Divisional Officer dated 21/09/2021 is impugned in the Petition and prayed for an interim order. It is then submitted that if the interim orders are not passed, firstly, the competent authority would disburse the amount pursuant to the order dated 21/09/2021 and secondly, if it is disbursed in favour of the Respondents no. 2 to 4, the purpose of approaching this Court would be frustrated.

3. Issue notice to the Respondents.
4. Learned AGP waives notice for Respondent No. 1. Learned Counsel for Respondent Nos. 2 to 4 waives notice for Respondent Nos. 2 to 4.
5. Learned Counsel for Respondent Nos. 2 to 4, on instructions, submitted that the dispute relates to the entitlement of compensation for the land comprising of 12.20 Gunthas and there is no dispute in so far as the land comprising of 12.80 Gunthas out of the total land of 25 Gunthas. Learned Counsel further submitted that the interest of the Petitioners can be protected on an assurance by the Respondent Nos. 2 to 4 that they should not withdraw the compensation for the land comprising of 12.20 Gunthas till the reply is filed before this Court so as to contest the Petition on merits.
6. Learned AGP appearing for Respondent No. 1 and learned Counsel appearing for Respondent Nos. 2 to 4 prayed sometime to file reply.
7. Stand over to 30th November, 2021.
8. The Statement made before this Court on instructions of Shri. Nitin Patil for Respondent Nos. 2 to 4 that they shall withdraw the compensation for land comprising only of 12.80 Gunthas out of total 25 Gunthas and they shall not withdraw the compensation of land comprising of

12.20 Gunthas which is disputed by the Petitioners till the next date, is accepted as an undertaking to this Court.

9. The Petitioners as well as the Respondent Nos. 2 to 4 are in agreement to the fact that the subject matter of the present Petition is not in respect of the land parcel of 22.20 Gunthas.

10. Stand over to 30th November, 2021.

(MADHAV J. JAMDAR, J.)

(PRASANNA B. VARALE, J.)