

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11907 OF 2013

Vithhal Gena Chandanshive since
Deceased through Lrs. .. Petitioners

Versus

The State of Maharashtra & Ors. .. Respondents

Mr.R.D.Deshmukh for petitioners
Mr.P.G.Sawant, AGP for respondent Nos. 1 to 3
Mr.G.S.Hegde with Mr.C.M.Lokesh and Ms.Vaibhavi Gole i/b.
A.K.Bhole & Co. for respondent Nos. 4 & 5CORAM : NARESH H.PATIL &
S.B.SHUKRE, JJ.DATE : 14th July 2015.

P.C.

1] It is not disputed that the petitioner's land has been notified and acquired by following necessary procedure. The necessary agreement was executed between the petitioner and M.I.D.C. Authority and the Government on 17th April 2010. The petitioner did not get compensation amount. Therefore, he had to approach this court. Respondent Nos. 4 and 5 filed affidavit in reply.

In para 9, the deponent has stated as under:-

“9. I say that in the present writ petition the petitioner has incorrectly claimed an enhanced compensation for Gat No.213 (2H.86A) in the petition but the actual area notified and acquired by MIDC is Gat No.213 (1H.64A) for which MIDC has already paid an amount of Rs.4,10,000 till 18/12/2013 to the SDO Solapur.”

2] The petitioner had filed an application on 6th October 2012, praying for the compensation with interest @ 15%.

3] Learned Counsel for the petitioner submits that a group of petitions has been filed in this court raising identical issues. All the petitions were disposed of on 5th February 2015.

4] We have perused the said order. The division bench had directed that the amount of compensation shall be paid to the concerned persons with accrued interest @ 8.25 % from the date on which the petitioners therein executed agreement in writing with the State Government.

5] During the course of hearing, we are surprised to know from

the counsel for the petitioner that due to delay in making payment to the persons whose lands were acquired the State Government had to pay an amount of Rs.2 Crores by way of interest to various land owners.

6] The counsel for M.I.D.C. submitted that consequent upon the agreement reached between the parties, the amount of compensation in those cases and the present case was deposited with the State Government and now it is the responsibility of the State Government to disburse the same to the petitioners and other claimants. It is alleged that unless the affected persons approach this court by resorting to legal proceedings, the State authorities concerned do not move.

7] We fail to understand why the said authorities delay the payment of compensation in spite of the fact that M.I.D.C. had deposited the amount of compensation with the State Government. The State authorities should themselves initiate process of payment of compensation by intimating the concerned authorities. In the circumstances, we pass following order:-

(a) The respondent State is directed to disburse the amount of compensation which was deposited by M.I.D.C. with State Government in connection with the acquisition of the subject lands of the petitioner as per the record and the agreement executed with respondent No.3 and the agreement reached between the parties within three months from today;

(b) The compensation amount to be paid shall carry interest of 8.25% p.a. from the date on which the petitioners executed the agreements in writing with the State Government till the date on which the compensation is actually paid.

(c) We direct the State Government to call for explanation as to why the delay has occurred in such matters in disbursing the amount of compensation due to which the State Government had to pay huge amount by way of interest. The said issue be dealt with departmentally;

(d) With these directions, the petition is disposed of.

Registry to forward a copy to the Principal Secretary, Government of Maharashtra, Industries Department.

(NARESH H. PATIL, J.)

(S.B.SHUKRE, J)