

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2267 OF 2014.

Pradip Anandraoji Raut ..vs.. State of Mah. and ors.

WRIT PETITION NO.2268 OF 2014.

Prakash Anandrao Raut and ors. ..vs.. State of Mah. and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.Abhijit Deshpande, Adv. for the petitioner.
Mrs.B.P.Maldhure, AGP for resp.1,2 and 4.
Mr.Anand Parchure, Adv. for respondent no.3.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATED : AUGUST 26, 2015.

Heard learned counsel for the parties.

Fact that on 17th of June, 2013 respondent no.1 – Collector has passed an order under Section 28 A of the Land Acquisition Act, 1894 in favour of these petitioners is not in dispute. Petitioners claim payment of compensation in terms thereof.

Advocate Shri Parchure appears for respondent no.3 and states that respondent no.3 has not been asked to pay any amount.

Learned Assistant Government Pleader appears for respondent nos.1, 2 and 3 and submits that she has received partial instructions. As per those instructions, some amount has been paid to the petitioners. She is seeking time of two weeks to make a definite statement in this respect.

After hearing learned counsel for respective party, we find that the petition has been filed on 14th of March, 2014 and this court has issued notice on 6th of May, 2014. The State Government has not filed any reply pointing out that an appeal has been preferred under

Section 54 of the Land Acquisition Act against the judgment and order dated 28th of March, 2008 delivered by Joint Civil Judge (Sr.Dn.), Wardha in L.A.C.No.35 of 1991.

In this situation, it is apparent that if order under Section 28 A of the Act is still not implemented, it needs to be complied with. The petitioners before this Court are getting interest at 15% per annum for the delay.

In this situation, without observing anything on merits, we direct petitioners to appear before respondent no.2 – Special Land Acquisition Officer on 7th of September, 2015 and abide by his further instructions in the matter. Said respondent shall verify whether the amount of compensation has been paid to the petitioners. If some amount has been paid, payment of remaining amount shall be made and if entire amount is found unpaid, it shall be paid. The petitioners shall be paid full amount of compensation within next three months.

Acceptance of said amount shall not preclude the petitioners from challenging the correctness of the said exercise.

With these directions, Writ Petitions are partly allowed and disposed of.

No costs.

JUDGE

JUDGE

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