

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

WRIT PETITION NO. 4312 OF 2014

(Samrat s/o Hariprasad Waghmare vs. The Deputy Collector, Land Acquisition (General), Nagpur
& Anr.)

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

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
OCTOBER 06, 2015.**

Heard Shri Tiwari, learned counsel for the petitioner and Mrs. Deshpande, learned AGP for respondent No. 1. Nobody appears for respondent No. 2, though served.

Shri Tiwari, learned counsel submits that the entitlement of the petitioner to receive amount of compensation for the land acquired by MIDC is not in dispute. Respondent No. 2, who claims to be the sister of father of the petitioner, has filed a Civil Suit and claimed share. Because of that claim, the amount of compensation was neither released to the petitioner nor a Reference in terms of Section 35 of the Maharashtra Industrial Development Act, 1961, was made to the Civil Court. Ultimately, part of amount has been deposited with the Civil Court. The statutory interest calculated at 4% on account of belated deposit has not been deposited along with that amount. He fairly states that after the amount was deposited, the petitioner filed an application at Exh. 38 in Special Civil Suit No. 849 of 2011, seeking leave to withdraw the

part of amount and for a direction to deposit the balance amount in the Nationalized Bank. That application has been rejected on 17.08.2015 by the Civil Judge, Senior Division, Nagpur. He also submits that independent steps are being taken to assail this order.

Mrs. Deshpande, learned AGP points out that as per directions of this Court, the amount has been deposited with the Civil Court and now the parties have to abide by its adjudication there.

We find that the grievance of the petitioner that interest calculated at 4% on account of delay has not been deposited, cannot be looked into by that Court. According to the petitioner, said liability is imposed by Section 38 of the Maharashtra Industrial Development Act, 1961. We, therefore, direct Respondent No. 1 to look into this grievance within a period of six weeks from today and to arrange to deposit balance amount on account of said interest (if any) within next eight weeks with the Civil Court.

With liberty to the petitioner to question the said order dated 17.08.2015 passed below Exh. 38 in accordance with law and with these directions to Respondent No. 1, we dispose of the present petition with no order as to costs.

JUDGE

JUDGE