

WRIT PETITION NO. 2390 OF 2016

versus

The State of Maharashtra and others ...RESPONDENTS

Mr. A.G. Choudhari, Advocate for petitioners
Mr. S.P. Sonpawale, AGP for respondents No. 1 to 3

**CORAM : S. V. GANGAPURWALA AND
K.K. SONAWANE, JJ.**

DATED : 12th APRIL, 2016.

Order :-

1. Mr. Choudhari, learned counsel for petitioners states that the petitioners had filed reference under section 18 of the Land Acquisition Act, 1894 (for short "Act of 1894"). Said Reference was allowed on 19-03-1999 by the Reference Court. Thereafter, the petitioners had filed execution proceedings, till date the entire amount of compensation as awarded by the Reference Court is not paid to them. Even appeal filed by respondents – authorities has been dismissed by this Court in the year 2004. Even the application for condonation delay in preferring the appeal also came to be rejected.

2. Mr. Sonpawale, learned Assistant Government Pleader submits that 50% amount as awarded by Reference Court has been paid and remaining 50% has remained to be paid because the funds were not available.

3. In natural course, we relegate the parties to executing court, but considering the fact that Reference was allowed on 19-03-1999, execution proceedings was filed, even appeal filed by respondent - authorities is dismissed way-back in 2004, enhanced amount of compensation which was granted is not yet paid and the petitioners are agriculturists, their source of livelihood have been acquired, we pass following order:-

The concerned respondent shall pay the amount as per the award of Reference Court under section 18 of the Act of 1894, as expeditiously as possible, preferably within a period of six (06) months from the date of order, after considering the amount already paid.

4. With aforesaid directions, writ petition stands disposed of. No cost.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

MTK