

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2846 OF 2014
IN
WRIT PETITION NO.3844 OF 2012**

Sou. Nanda Ramesh Giri
Gosavi & Ors.

.. Petitioners

V/s.

The State of Maharashtra & Ors.

.. Respondents

.....
Mr. V. S. Kapse, Advocate for the Petitioners.
Mr. Vikas Mali, AGP for Respondent Nos.1 to 4.

.....

**CORAM : SHANTANU S. KEMKAR AND
PRAKASH D. NAIK, JJ.**

DATED : DECEMBER 20, 2016.

P.C. :

Heard learned counsel appearing for the respective parties.

2 On 26th September, 2014 this Court disposed of Writ
Petition No.3844 of 2012 by observing thus:

*“ In view of affidavit dated 25 September 2014
filed by the Divisional Officer and Special Land
Acquisition Officer, Wai, specifically in para 2, which*

reads as under:

“ 2. I say that the Acquiring Body i.e. Public Works Department (East Division), Pune has from time to time deposited compensation amount in my office as per requisition of my office. I say that all the affected land holders including the Petitioners of Four Laning of Shirval- Lonand- Phaltan-Baramati Road Project will be paid compensation in accordance with the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 coupled with amendments made by State of Maharashtra thereto.”

the present Writ Petition is disposed of. All points are kept open.

2 The statement is made by the learned counsel appearing for the Respondents that the execution proceedings under the new Act is in process and they will take steps and pass order in accordance with law.

3 The present Petition is accordingly disposed of. There shall be no order as to costs.

4 In view of disposal of the present Writ Petition, both the Civil Applications are also disposed of as the Applicants are similarly placed landowners.”

Thereafter, the petitioner has filed the Civil Application No.2846 of 2014. When the said application came up for hearing on 9th December, 2014 this Court ordered issuance of notice to the respondents and granted ad-interim order directing the concerned authorities to maintain the status-quo as on today till 4.30 p.m. in respect of subjected acquisition of the petitioner's land. Thereafter, the matter was came up for further orders.

3 According to the learned counsel for the petitioner that though a categorical stand was taken by the Special Land Acquisition Officer, Wai that all the affected land holders including the petitioners to 4 lane road between Baramti and Shirval, will be paid compensation in accordance with the provisions of the The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 coupled with the amendment made by the State of Maharashtra, till date the compensation has not been paid.

4 Learned AGP submits that in view of the order of *staus-quo* passed on 9th December, 2014 after the disposal of the Writ Petition the amount has not been disbursed. We find that the

status-quo order dated 9th December, 2014 was not in way restraining the State for disbursing the amount. However learned AGP submits that the amount as stated in the order dated 26th September, 2014 will now be paid to the petitioners under the provisions of new Act within four months.

5 Learned counsel appearing for the petitioner submits that the amount is required to be paid in respect to the construction of the land in question taking into consideration all the relevant factors. Learned AGP submits that all factors which are essential for computing the compensation amount shall be taken into consideration.

6 In view of the aforesaid stand taken by the learned AGP, we dispose of the civil application with directions to the Special Land Acquisition Officer to calculate the amount and disburse the same in accordance with law as expeditiously as possible but not later than four months from the receipt of copy of this order.

7 Civil Application is, accordingly, disposed of. Status-quo order dated 9th December, 2014 stands vacated.

(PRAKASH D. NAIK, J.)

(SHANTANU S. KEMKAR, J.)