

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 11828 OF 2015

William Antan D'Souza

.. Petitioner

Vs.

The District Collector, Kolhapur & Ors.

.. Respondents

Mr. Gajanan Mahadev Savagave for the Petitioner.

CORAM : **A.S. OKA &**
C. V. BHADANG, JJ.
DATE : **7th JANUARY, 2016.**

P.C.

1. Heard learned Counsel appearing for the petitioner. The prayer clause (a) of this petition reads thus:

(a) Your Lordship may be pleased to issue an appropriate writ, order or direction directing the Respondents forthwith to pay the amount of compensation with interest as per the valuation done by the Executive Engineer, Doodhganga Dharan Department, Doodhganga Nagar, Taluka Radhanagari, District Kolhapur, annexed at Exhibit - A to the present Writ Petition and to extend the benefit of the Maharashtra Resettlement of Project Displaced Persons Act, 1976 with other consequential benefits.

2. The Writ Petition proceeds on the footing that after the petitioner's land was acquired, there was an award made under the Land Acquisition Act, 1894 (for short "the said Act of 1894"). The said Act of 1894 is held to be a complete Code. Therefore, the petitioner will be entitled to receive compensation in terms of the said Act of 1894. Hence, the prayer (a) cannot be granted. For dealing with the grievance of the failure to grant

compensation or failure to grant adequate compensation, adequate remedies are available under the said Act of 1894.

3. If under an award made under Section 11 of the said Act, 1894 compensation is made payable to the petitioner and the same is yet not paid, we permit the petitioner to apply to the concerned Land Acquisition Officer for the release of the amount. If such an application is made, the same shall be decided within a period of one month.

4. Subject to what is observed above, the Petition is disposed of.

(C. V. BHADANG, J.)

(A.S. OKA, J.)