

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.5632 OF 2016

Sukhdeo Namdeo Patil,
Age : 70 years, Occ. Nil,
r/o. Bildi, Tq. Pachora,
Dist. Jalgaon
through its G.P.A.
Kailash Sukhdeo Patil,
Age : 51 years, Occ. Agri.,
r/o. Lohari (Bk), Tq. Pachora,
Dist. Jalgaon ..Petitioner

Vs.

1. The State of Maharashtra,
Through its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai – 32
2. The Special Land Acquisition
Officer, Collector Office,
Jalgaon, Dist. Jalgaon ..Respondents

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Mr.V.Y.Patil, Advocate for petitioner
Mr.A.R.Borulkar, AGP for respondents

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**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.
DATE : FEBRUARY 22, 2017**

ORAL JUDGMENT (Per T.V. Nalawade, J.) :

Rule, made returnable forthwith. With
the consent of the learned Counsel for the
parties, heard finally.

2. This petition is filed for giving directions to the respondents to pay interest to the petitioner on the amount of Rs.65,847/-, which was deposited in the Court of the Civil Judge, Senior Division, Jalgaon on 06.03.1998 as compensation under the Land Acquisition Act.

3. It appears that by the order dated 06.03.1998, the learned Joint Civil Judge, Senior Division, Jalgaon directed to keep the afore-said amount in the fixed deposit in any nationalised bank for a period of three years as per the directions of this Court. It appears that the First Appeal filed by the acquiring body challenging the decision of the reference Court, came to be dismissed by this Court vide order dated 23.07.2013 and therefore, the petitioner is entitled to get the afore-said amount.

4. The petitioner then filed an application on 22.06.2015 in the Court of the Civil Judge,

Senior Division, Jalgaon, for getting the afore-said amount with interest. The learned Civil Judge, Senior Division passed order to make payment of the afore-said amount along with interest accrued thereon. Subsequently, it was realised that the amount was not actually kept in the fixed deposit and it remained in the account of the concerned Court only. As the amount was lying in the account of the concerned Court only, the petitioner could not get interest.

5. The learned Counsel for the petitioner submits that due to the lapse on the part of the Court staff, the amount was not kept in the fixed deposit and therefore, the petitioner will be loosing the amount of interest on the said amount for the period from 1998 till the date the petitioner gets the amount in hand.

6. Since the petitioner would be suffering loss of the amount of interest due to the lapse

on the part of the Court staff as the amount was not kept in the fixed deposit, in such cases, the respondent - Government needs to pay the amount of interest on the said amount and in turn, the concerned authority can fix the responsibility with regard to the above lapse and recover the amount from the concerned official.

7. The respondents are hereby directed to make payment to the petitioner of the amount of Rs.65,847/- with interest thereon at the rate of 8% per annum, for the period from March, 1998 till the amount is actually paid to the petitioner, within a period of six months from today.

8. With these directions, the Writ Petition stands disposed of. Rule made absolute in the above terms.

[SANGITRAO S. PATIL, J.]

[T.V. NALAWADE, J.]

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