

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 2474 OF 2017

The Divisional Commissioner & Anr. ... Petitioners
Vs.
Surandar Kumar Somani through
C.A. Abid Kurban Hussain Daruvala & Anr. ... Respondents

Mr. Nitin Deshpande, AGP for the petitioner/State.
Mr. Bhushan Walimbe, Advocate for respondent No. 1.
Dr. Poornima Advani a/w. Ms. Amrita Joshi i/b. The Law Point,
Advocate for respondent No. 2.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **7th April, 2017.**

P.C.:

Pursuant to the order dated 16th March, 2017, the matter was supposed to be listed on 6th April, 2017 for dismissal, as earlier though time was given to the State Government to make appropriate statement in respect of depositing the amount of compensation in the trial Court, however, no such statement is made till today. On 6th April, 2017, being Thursday which is scheduled for taking final hearing matters, the matter was not taken on board. So, the matter is taken today on board on circulation.

2. The learned Assistant Government Pleader placed two letters

written by the State of Maharashtra to CIDCO dated 28th February, 2017 and 5th April, 2017 asking CIDCO to deposit the amount of the compensation in the Court. The CIDCO to make submissions. The matter is kept back.

3. The learned counsel for CIDCO is present and submitted that the decision of the State dated 5th April, 2017 is communicated to them today only and therefore, CIDCO will have to place it before the appropriate authority for taking decision and also for arrangement of the funds. She submitted that the amount of compensation will be deposited in the Court not beyond 6 months.

4. Considered the submissions and also the order passed by my predecessor. A time of six months cannot be granted for depositing the amount of compensation. The amount is to be deposited within 12 weeks and no further extension of time will be given to CIDCO for depositing the amount.

5. In this Petition, the order dated 14th December, 2016 passed by the learned Civil Judge Senior Division, Alibag directing the Divisional Commissioner, Konkan Division to remain present was challenged,

as the application in respect of non-payment of compensation was made before the learned Civil Judge Senior Division, Alibag. However, now as CIDCO is directed to deposit the amount of compensation in 12 weeks, nothing survives in this Petition. Hence, Writ Petition is disposed of.

(MRIDULA BHATKAR, J.)