

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 11857 OF 2015

Basavraj Virbhadrappa Kurle

...Petitioner

Versus

The State Of Maharashtra And Ors.

...Respondents

Mr. Tejas Deshmukh, for the Petitioner.

Ms. Neha Bhide, 'B' Panel Counsel for the Respondent- State.

Ms. C.M. Lokesh with Mr. Joni Pandey i/b. Mr. A.R. Bhose & Co., for Respondent Nos. 4 and 5.

**CORAM :- DR. MANJULA CHELLUR, C.J., &
G. S. KULKARNI, J.**

DATE :- FEBRUARY 1, 2017

P. C. :-

1. The grievance of the Petitioner is that after a great struggle to get the compensation right from 1989 after acquisition of land, ultimately, there was a judgment for payment of compensation in terms of order dated 13 December 2013 by this Court in Writ Petition No. 4121 of 2013 and other connected matters, and again in another batch of project affected persons in Writ Petition No. 426 of 2014 and various other writ petitions decided on 12 March 2014. There was a direction to pay interest on the compensation amount by the Respondents at the rate of 8.25% p.a. Till date, the Respondents are not honouring the directions given in those judgments insofar as the other land losers like the petitioners. Therefore, the Petitioner is before this Court seeking following reliefs:-

“a) To call for the records and proceedings of the case and after perusing the same;

b) this Hon'ble Court by way of its appropriate writ, order or direction may kindly be pleased to direct Respondent authorities to pay interest @ 8.25% per annum on the amount of balance compensation as per the orders dated 13.12.2013 and 12.03.2014 passed by this Hon'ble Court and as agreed between Petitioners and Respondent No.4 in pursuance of settlement dated 17.04.2010 executed between Petitioners and Respondent No.4 from the date of settlement till the actual realization of amount;

c) pending hearing and final disposal of present Writ Petition, this Hon'ble Court may kindly be pleased to direct Respondent authorities to pay interest @ 8.25% per annum on the amount of balance compensation as per the orders dated 13.12.2013 and 12.03.2014 passed by this Hon'ble Court and as agreed between Petitioners and Respondent No.4 in pursuance of settlement dated 17.04.2010 executed between Petitioners and Respondent No.4 from the date of settlement till the actual realization of amount;

d) ad-interim relief in terms of prayer clause (d) above may kindly be granted;

f) to grant such other and further reliefs as the nature and circumstances of the case may require.”

2. It is well-settled that if cause of action to approach the Court involves large number of beneficiaries i.e. Petitioners, every one need not approach the Court and if there are directions of the Court binding the parties to the litigation pertaining to very same matter, same has to be followed. We fail to understand why the Respondent – Authorities compel every land loser to approach Court to get similar benefits in spite of several such orders at the hands of the Court in more than one matter and fully understanding that the Petitioners are placed in similar situation. We direct

the Respondent-Authority to consider the representation of the Petitioner and see whether he is entitled for interest since he is similarly situated land loser like the ones referred to in the above Writ Petitions, and dispose of the representation within three months from today.

3. With the above observations, writ petition stands disposed of.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)