

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11638 OF 2015

Bharat Keshav Jawle and anr .. Petitioners
Versus
The State of Maharashtra & ors .. Respondents

WITH

WRIT PETITION NO.11644 OF 2015

Kasturbai Tulsiram Belbhandare .. Petitioner
Versus
The State of Maharashtra & ors .. Respondents

...

Mr.Ritesh Kulkarni, for the petitioners.
Mr.P.G. Sawant, AGP for respondent nos.1 to 3.
Mr.G.S.Hegde with Mr.C.M.Lokesh and Mr.J. Pandey i/b
A.R.Bhole & Co. for respondent nos.4 and 5.

CORAM: DR. MANJULA CHELLUR,CJ.
& N.M. JAMDAR, J.

DATED: 15th JUNE, 2017

P.C.:-

1 On going through the facts of the case as well as the defence raised by the State in the reply affidavit, we are unable to appreciate the stand of the respondent State that since the petitioners were not part of Writ Petition no.4121/13 as well as Writ Petition No.426/14, they are not

entitled for interest at 8.25% p.a. on the amount of balance compensation agreed between the parties.

2 In the above two judgments, their Lordships observed that since a concluded contract with regard to quantum of compensation came to be arrived at on 17th April 2010 within the knowledge of Land Acquisition Officer, there was no justification not to pass the awards within a reasonable time from such settlement on 17th April 2010. Therefore, in the above two writ petitions, their Lordships were of the opinion that the amount of compensation shall carry interest @ 8.25% p.a. from the respective dates to be paid to the petitioners/land losers. The present petitioners admittedly are part of the same project. Land acquisition pertains to the same notification, and they being part of the group who had benefit of the interest as indicated in the above two judgments, we are of the opinion that just because they were not part of the petitioners in the earlier round of litigation, their claim should be negotiated.

3 Accordingly, we are of the opinion that they are also entitled for such benefit. As a matter of fact, in Writ Petition No.11857/15, by an order dated 1st February 2017, we made such observation that every affected person need not approach the Court and if they are part of the same notification, they should get the same benefit.

4 In that view of the matter, we opine that the petitioners are entitled for interest @ 8.25% p.a on the amount of compensation from the date of agreement signed between the petitioners and the concerned authorities till the payment is made to them.

5 Accordingly, Petitions are disposed of.

(N.M. JAMDAR, J)

(CHIEF JUSTICE)