

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2493 OF 2018

Parshuram Chander Gharat

... Petitioner

V/s.

The Deputy Collector (Land Acquisition and Ors.) ... Respondents

Mr.Sachin S. Punde for the Petitioner

Mrs.Madhubala Kajale 'B' Panel Counsel for the Respondent nos.1, 2 and 5

Mr.Ashutosh M. Kulkarni for the Respondent nos.3 and 4

**CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.**

DATED : APRIL 10, 2018

PC. :

1 Heard.

2 By this Writ Petition under Article 226 of the Constitution of India, Petitioner is seeking direction against the Respondent to release the amount / compensation as per the Award dated 30.06.2016 passed by Special Land Acquisition Officer under section 28A of the Land Acquisition Act, 1893. He submits that as per the award under section

28A of the said Act, petitioner is entitled sum of Rs.10,09,451/- and Rs.12,35,219.18 with interest as per Exhibit-A and Exhibit-B to the petition.

3 The learned counsel for the CIDCO filed their Affidavit-in-Reply dated 03.04.2018 stating that they require some time to make payment of compensation as per award under section 28A of the said Act. Paragraph 8 of the said affidavit reads thus:

“8. I say as per the G.R. Dated 12 February, 2008, this Respondent is obliged to pay compensation on account of the State Government. I say that entire land acquisition proceedings are land led by the State Government. It is a matter of practice that after the award is passed by the amount as per the award is checked and assessed by the Dy.Collector of Land Acquisition Metro Centre Panvel and thereafter the proposals for the payment are forwarded to office of CIDCO through the office of Collector at Alibag Raigad. After the receipt of proposal along-with the award as aforesaid the same is again checked/verified by Accounts Department of the CIDCO and thereafter the further process for payment is done by the CIDCO by making available the amount under award to the designated Special Land Acquisition Officer. It is a matter of record that in the present case the CIDCO has received the proposals from the office of the Collector Raigad and the same is duly verified by account Department as which is being processed for releasing payment. Hon'ble Court may grant us 12 weeks time to pay the amount.”

4 Considering the submissions made by the learned counsel for the Petitioner and paragraph 8 of the Affidavit-in-Reply filed by the Respondent CIDCO, we are satisfied that the Petitioner has made out a case for following order:

- a) Respondent No.4 is directed to make payment of compensation as per the award dated 30.06.2016 passed by Special Land Acquisition Officer under section 28A of the Land Acquisition Act, 1894 Exhibit-A and Exhibit-B to the Petition to the Petitioner on or before 21.07.2018, as per procedure of the said Act.
- b) Writ Petition stands disposed of accordingly.
- c) No order as to costs.

Parties to act on authenticated copy of this order.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)