IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2524 OF 2018

Kunda Ramakant Gharat and Ors. … Petitioners

V/s.

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

Mr.Sachin S. Punde for the Petitioners

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

P.C. :

1 Heard.

2 By this Writ Petition under Article 226 of the Constitution of India, Petitioners are seeking direction against the Respondents to release the amount / compensation as per the Award dated 02.07.2016 passed by Special Land Acquisition Officer under section 28A of the Land Acquisition Act, 1894. He submits that as per the award under

section 28A of the said Act, petitioners are entitled sum of Rs.98,27,154/- with interest as per Exhibit-A 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 only on 20.3.2018 and thereafter the same are under consideration of the Accounts Department of the CIDCO. Hon'ble Court may grant us 12 weeks time to release payment."*

4 Considering the submissions made by the learned counsel for the Petitioners 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 02.07.2016 passed by Special Land Acquisition Officer under section 28A of the Land Acquisition Act, 1894 Exhibit-A to the Petition to the Petitioners 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.)**