

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

WRIT PETITION NO.3464 OF 2016

P.C.Patil, Chief Secretary

.. Petitioner

V/s.

Special Land Acqn, Officer,
Metro Centre and Ors.

.. Respondents

Mr.R.P.Lote i/b Ms.Rupali L. Dhivar for the petitioner

Ms.P.N.Diwan, A.G.P. for the respondent nos.1 to 3 and 5

Mr.Sameer N. Patil for the respondent no.4

**CORAM: K.K. TATED &
M. S. KARNIK, JJ.**

DATED : AUGUST 16, 2018

P.C. :

1 Heard.

2 By this petition, under Article 226 of the Constitution of India, petitioner is seeking direction against the Respondents to deposit and make payment of compensation as per the award passed by them under section 18 and section 28 (A) of the Land Acquisition Act, 1894.

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3 The learned counsel for the petitioner submits that in the present proceeding, respondent State filed affidavit in reply of Sangita Takle, Deputy Collector (Land Acquisition), Metro Centre No.3 dated 19.07.2018 stating that they will complete the calculation within a period of one month. The said paragraph 7 of the affidavit reads thus:

*“7. I say that out of 60 cases in 4 cases namely, LAR No.8/90, LAR No.130/88, LAR No.151/88, LAR No.32/88, enhanced compensation amount is already deposited in the District Court, Thane. As far as remaining cases are concerned, enhanced compensation amount are still not paid to the respective land owners. Hereto annexed and marked as **Exhibit 2** is copy of the present situation of land reference list. I say that out of said 60 in 35 cases, calculation of 15% interest on the enhanced compensation from the date of High Court order till date are prepared and is ready, for rest of the cases, calculation will be done within a period of one month. I say that, thereafter, the proposal will be submitted to the Commissioner, Konkan Division for taking further necessary action. Similarly, said proposal will also be sent to the Respondent No.4, CIDCO for depositing of the said amount in this office. I say that on receipt of additional compensation amount along with 15% interest from CIDCO, this office will disburse the same to the respective land owners at the earliest.”*

4 The learned counsel for the petitioner submits that in view of the solemn statement made by the State on their affidavit in reply dated 19.07.2018, petitioner may be permitted not to press the present Writ Petition with liberty to file afresh in case they failed and neglected to complete the calculation within six months from today. To that effect, he has given in writing. Same is taken on record and marked 'X' for identification. Same is accepted.

5 Writ Petition stands disposed of as withdrawn with liberty as prayed.

(M. S. KARNIK, J.)

(K.K. TATED, J.)