

is the daughter of deceased Hira Patil. This is evidenced by the 7x12 extract pertaining to the suit property. The Petitioner is the heir of Hira who is his grandfather from the maternal side and the said Hira had three daughters, namely, Anubai, Chandrabhaga @ Chandrabai and Janibai. The petitioner is the son of Janibai. To establish that he is the heir of Hira Patil, the Petitioner has also obtained heir-ship certificate pursuant to an order dated 13th January, 2016 passed by the Civil Judge, Junior Division, Panvel and which is annexed at Exh "E" to the Petition. Even according to the petitioner there are also other legal heirs of Hira Patil, namely, Smt. Shakuntala Shantaram Thakur, Smt. Gangabai Dhanaji Mhatre, Smt. Maibai Madhukar Bhoir and Smt. Chandribai/Chandrabai Sadashiv Gharat.

4 Be that as it may, as far as the suit property is concerned the same was acquired under an award dated 23rd November, 1985 and the compensation was calculated at Rs.13,774/-. Despite passing of this award as far back as on 23rd November, 1985 and admittedly possession being taken over by Respondent No.2, no compensation has been paid till date. It is, in these circumstances, that the present Petition has been filed seeking a direction against Respondent Nos.2 and 3 to make payment of the compensation awarded together with interest thereon till payment.

5 Respondent No.2 - CIDCO has filed an affidavit of reply to this Writ Petition on 13th July, 2018 wherein they have stated that Respondent No.2 has not yet received the payment proposal from the Special Land Acquisition Officer, Panvel. It is

further stated that as soon as Respondent No.2 receives the same, necessary action to make the payment to the office of the SLAO, Metro Center, Panvel will be taken by Respondent No.2. Across the bar, learned counsel appearing for Respondent No.2 has told before us that this payment would be made by the SLAO within a period of four weeks on them receiving the payment proposal from Respondent No.1.

6 We find that Respondent No.1 has not filed any affidavit in reply to this Writ Petition.

7 Considering that the compensation for the suit property has not been paid since 1985 and admittedly the possession of the suit property is with CIDCO, we dispose of this Writ Petition by passing the following order.

- (a) Respondent Nos.1 and 3 are directed to send the payment proposal of compensation to Respondent No.2 on or before 31st August, 2018;
- (b) On receipt of this payment proposal, Respondent No.2 CIDCO is directed to make payment to the office of Respondent No.3 on or before 6th October, 2018;
- (c) Respondent No.3, on receipt of this payment from CIDCO on verification, shall disburse the compensation to the petitioner along with all the heirs, namely, Smt. Shakuntala Shantaram Thakur, Smt. Gangabai Dhanaji Mhatre, Smt. Maibai Madhukar Bhoir and Smt. Chandribai/

Chandrabai Sadashiv Gharat.

- (d) It is clarified that if the Petitioner produced before Respondent No.3 any authority to receive the entire compensation on behalf of all the heirs, the same shall be taken into consideration by Respondent No.3 and accordingly disburse the amount;
- (e) This payment by the SLAO to the petitioner and or the other heirs shall be disbursed on or before 31st October, 2018.

8 Rule is made absolute in the aforesaid terms. The Writ Petition is disposed of accordingly. No order as to costs. All the parties are directed to act on the authenticated copy of this order.

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(B.P.COLABAWALLA, J.)

(K.K.TATED, J.)