

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5852 OF 2018

Namdev Savlaram Khot and Others ..Petitioners

Vs.

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

Mrs. Deepa Punde I/b S. S. Punde, for the Petitioners.

Mrs. Kirti R. Kulkarni, AGP, for Respondent Nos.1, 2 and 5.

Mr. Makrand Bakare I/b B. B. Sharma, for Respondent Nos.3 and 4.

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

DATE :- AUGUST 7, 2018.

P. C.:

Heard. By this Writ Petition under Articles 226 and 227 of the Constitution of India, the Petitioners are seeking a direction against the Respondents to pay the compensation as per the Award dated 30th June, 2016 (Exhibits A and B to the Petition) passed by the Special Land Acquisition Officer under Section 28-A of the Land Acquisition Act, 1894.

2 Respondent Nos. 3 and 4 filed their affidavit in reply dated 18th July, 2018. Paragraph 9 of the said affidavit in reply reads thus:-

“9. I say that the office of the Respondent No.4 has received the proposal for payment of enhanced compensation to the petitioners from the respondent No.1 and the same is under process. I say that many proposals of similar nature are received by the respondent No.4 and the Respondent No.4 will need at least a period of 4 months to disburse the amount the respondent no.1 so that the same can be paid over to the petitioners.”

3 The learned counsel appearing on behalf of Respondent Nos. 3 and 4 submits that he has received oral instructions from his client that they are ready and willing to deposit the entire amount as per award dated 30th June, 2016 (Exhibits A and B to the Petition) in the office of the concerned Special Land Acquisition Officer within five months from today. Same is accepted.

4 In view of the statement made by the learned counsel for Respondent Nos. 3 and 4, following order is passed:-

a) Respondent Nos.3 and 4 to deposit the entire awarded amount as per the award dated 30th June, 2016 (Exhibits A and B to the Petition) in the office of the concerned Special Land Acquisition Officer as early as

possible but in any event within five months from today of intimation with copy to other side by the Petitioners in writing.

b) The concerned Special Land Acquisition Officer is directed to disburse the said amount to the claimants as per award dated 30th June, 2016 (Exhibits A and B to the Petition) within two months from the deposit of the said amount by the Respondent Nos. 3 and 4.

c) The Petition stands disposed of accordingly. No order as to costs.

(B. P. COLABAWALLA, J.)

(K. K. TATED, J.)