

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6469/2018

Baburao Mahadev Bhandari & 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. Sarthak Diwan I/b. Mr.Ashutosh M. Kulkarni for the Respondent nos.3 and 4

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

**DATED : JULY 26, 2018**

**P.C. :**

1 The office has placed this matter for speaking to the minutes of order dated 20.07.2018.

- a. In cause title, instead of **Baburam**, it should be **Baburao**.
- b. Paragraph No.3(5) of the said order be substituted with that of the following paragraph:

*“5. I say that the proposals of additional compensation in terms of redetermined awards are sent by the Land Acquisition Officer, through the office of the District Collector to the City and Industrial Development Corporation Ltd., which is the Acquiring Body. I say that in the instant case,*

*the proposal has been received by this Respondent. I say that the said proposal will have to be scrutinized by the Accounts Department for calculation of the amount of payment and the said amount will have to be placed for administrative sanction. As soon as the said proposal receives the administrative sanction, the amount of redetermined compensation will be deposited with the Deputy Collector (Land Acquisition), Panvel. I say that the proposal is under scrutiny and the same will be completed within a period of 90 days.”*

2. The order dated 20.07.2018 stands corrected accordingly. Rest of the order shall remain as it is.

**(B. P. COLABAWALLA, J.)**

**(K.K. TATED, J.)**

**CORRECTED ORDER DATED 20.07.2018**

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

**DATED : JULY 20, 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 four separate Awards each dated 10.05.2016 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.16,93,019/-, Rs.18,19,016/-, Rs.13,78,360/- and Rs.2,70,126/- with interest as per Exhibit-A to D to the petition.

3 The learned counsel for the CIDCO filed their Affidavit-in-Reply dated 19.07.2018 stating that they require some time to make payment of compensation as per award under section 28A of the said Act. Paragraph 5 of the said affidavit reads thus:

*“5. I say that the proposals of additional compensation in terms of redetermined awards are sent by the Land Acquisition Officer, through the office of the District Collector to the City and Industrial Development Corporation Ltd., which is the Acquiring Body. I say that in the instant case, the proposal has been received by this Respondent. I say that the said proposal will have to be scrutinized by the Accounts Department for calculation of the amount of payment and the said amount will have to be placed for administrative sanction. As soon as the said proposal receives the administrative sanction, the amount of redetermined compensation will be deposited with the Deputy Collector (Land Acquisition), Panvel. I say that the proposal is under scrutiny and the same will be completed within a period of 90 days.”*

4 Considering the submissions made by the learned counsel for the Petitioners and paragraph 5 of the Affidavit-in-Reply filed by the Respondent CIDCO, we are satisfied that the Petitioners have made out a case for following order:

a) Respondent No.4 is directed to make payment of compensation as per the four separate awards each dated 10.05.2016 passed by Special Land Acquisition Officer under section 28A of the Land Acquisition Act, 1894 Exhibit-A to D, to the Respondent No.1 on or before 19.10.2018, as per procedure of the said Act.

- b) After receipt of the amount as aforesaid, the Respondent No.1 is directed to make the payment to the Petitioners as per procedure of the said Act, within four weeks.
- c) Writ Petition stands disposed of accordingly.
- d) No order as to costs.
- e) Parties to act on authenticated copy of this order.

**(B. P. COLABAWALLA, J.)**

**(K.K. TATED, J.)**