

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7013 OF 2018

Haribhau Bhaurao Deshmukh & Ors.Petitioners

V/S

The Deputy Collector
(Land Acquisition) & Ors.Respondents

Ms. Deepa Punde i/b Mr. Sachin S. Punde for the Petitioners.
Dr. Kirti Kulkarni, AGP for Respondent Nos.1, 2, 3 and 5/State.
Mr. S.S. Diwan i/b Mr. Ashutosh M. Kulkarni for Respondent Nos.3 and 4.

**CORAM : A.A. SAYED &
K.K. SONAWANE, JJ.**

DATE : 26 SEPTEMBER 2018.

ORDER:

1 By this Petition the Petitioners are seeking the following reliefs:

- “(A) This Honourable High Court be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction and/or Order in the nature of Writ calling for the records and documents pertaining to Gavan unit Case No.505, 505 from the Respondent No.1 and after perusal and examination thereof;
- (B) This Honourable High Court be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction and/or Order in the nature of Writ directing Respondents to forthwith pay the re-determined amount of compensation as per Awards each dated 04/07/2016 (Exhibit 'A & B' hereto) together with all benefits to the Petitioners.”

2 An Affidavit-in-Reply is filed on behalf of the Respondent Nos.3 and 4/CIDCO Ltd. wherein in paragraph 5 it is stated as follows:

“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 re-determined 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.”

3 It is not in dispute that the issues raised in the Petition are identical to the issues raised in Writ Petition No.6061 of 2018 [**Dwarkabai S. Patil and Others vs. The Deputy Collector (Land Acquisition) and Others**], which was disposed of vide order dated 27 August 2018. For the reasons stated in the said order dated 27 August 2018, we pass the following order:

O R D E R

- i) We direct the Respondents to pay compensation to the Petitioners in terms of redetermined Awards dated 4 July 2016 together with interest as per section 34 of the Land Acquisition Act, 1894;
 - ii) The interest shall be awarded at the rate of 15% p.a., which shall be payable from the date of re-determined Awards i.e. 4 July 2016 until payment;
 - iii) The aforesaid amounts shall be paid by the Respondents to the Petitioners within three months from today;
 - iv) Respondent No.1-Deputy Collector (Land Acquisition) shall send the proposal of payment of compensation (alongwith interest) to Respondent No.4-CIDCO within four weeks from today. Upon Respondent No.4-CIDCO receiving the proposal, payment shall be made to the Respondent No.1-Deputy Collector (Land Acquisition), within four weeks from the receipt of the proposal;
 - v) As soon as the aforesaid amount is received by the Office of the Respondent No.1-Deputy Collector (Land Acquisition), an intimation of the date fixed for receipt of the amount shall be issued to the Petitioners to receive the aforesaid amount;
- 4 The Petition is allowed in the above terms.

(K.K. SONAWANE, J.)

(A.A. SAYED, J.)

katkam

Sudarshan
Rajalingam
Katkam

Digitally signed by
Sudarshan Rajalingam
Katkam
Date: 2018.09.27 17:12:10
+0530