

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.14423 OF 2019
WITH
REVIEW APPLICATION STAMP NO. 37137 OF 2019**

**THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
REKHA VIJAYKUMAR JAGTAP (AWARGAONKAR) AND OTHERS**

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Advocate for Applicants : Mr. K. N. Lokhande

Advocate for Respondent No. 1 :

Mr. Ashutosh Kulkarni h/f. Mr. J. N. Singh

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**CORAM: S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATE: 06th DECEMBER, 2019

PER COURT:

1. There is inordinate delay in filing the review application. However, as the learned counsel for the original writ petitioner is also present, we have heard the learned A.G.P. for the review applicants also.

2. At the outset, we observe that the review application is misplaced. We have directed the amount of compensation to be paid as per the award dated 30.05.2016 within a period of six (06) months. The said order is passed on 14.02.2018. Almost twenty months back. The claimants in whose

favour the award is passed more than four and half years back are not paid the compensation amount as yet. We cannot appreciate the conduct of the State and its authorities. Instead of complying the order and discharging their obligation to pay the compensation amount as per the award, technical pleas are raised that it is not the Public Works Department but the District Planning Committee whose Chairman is a Collector is liable to pay the amount. In the writ petition, even the Collector is a party and all the respondents were directed to deposit the amount.

3. Even otherwise, apart from the acquiring body, the State is liable to pay the compensation amount as per the award. The State is also a party to the writ petition.

4. In light of the above, the review application and the application for condonation of delay are dismissed with costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]
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