

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 14410 OF 2018

Shankar Ramji Gaikwad (deceased) through
legal heirs – Narayan Shankar Gaikwad alias
Gaikar (deceased) through legal heirs :
1.Rajesh Narayan Gaikwad @ Gaikar & Ors. ... Petitioners.

V/s.

The Deputy Collector (Land Acquisition)
Metro Centre No.3, Panvel & Others ... Respondents.

Ms. Deepa Punde, Advocate I/by Mr. Sachin S. Punde for the
Petitioners.

Mr. P. P. More, AGP for Respondent Nos. 1, 2 and 5 (State).

Mr. A. M. Kulkarni, a/with Mr. S.S. Diwan for the
Respondent Nos. 3 and 4.

**CORAM : R. M. BORDE AND
N. J. JAMADAR, JJ.**

DATE : 19th MARCH, 2019.

P.C.:

1 Not on Board. Mentioned. Taken on board at the
request of the learned counsel for the Petitioners.

2 The petitioner is agriculturist, whose landed
property has been acquired for the public purpose. It
transpires that an award determining the amount of
compensation in respect of the acquired property has been

declared by the Land Acquisition Officer on 15th July, 1985. The petitioner did not raise a challenge to the award, however, tendered an application on 15.11.2016 under section 28-A of the Land Acquisition Act, 1894 (hereinafter referred as the "Act") for re-determination of the amount of compensation on the basis of the judgment and award in a Land Acquisition Reference presented by the claimant covered by the same section 4 notification. The amount of compensation is stated to have been re-determined and the award under Section 28-A(2) of the Act has been declared directing enhancement in the amount of compensation on 31.07.2017. The petitioner is in receipt of a notice issued by the Land Acquisition Officer under section 12(2) of the Act. It is the contention of the petitioner that though notice has been received by him calling upon him to collect the amount of compensation in the year 2017, the amount has not yet been disbursed.

3 We have heard respective counsel for the parties.

4 Learned counsel appearing for the CIDCO states that the amount of compensation recorded in the notice issued under section 12(2) of the Act would be deposited, if the same has not been deposited, with the Land Acquisition Officer and the said amount would be disbursed to the petitioner through the Land Acquisition Officer. The statement made is accepted. The CIDCO shall deposit the amount recorded in the notice under section 12(2) of the Act

with the Land Acquisition Officer, who shall disburse the said amount to the petitioner within a period of eight weeks from today. The Land Acquisition Officer shall, on deposit of amount by CIDCO shall disburse the same to claimant, forthwith. In case amount of compensation is already deposited by CIDCO, with the Land Acquisition Officer, same shall be disbursed forthwith.

5 It is pointed out by counsel appearing for the petitioner that the amount of interest has been determined till the date of issuance of notice under section 12(2) of the Act i.e. upto 31st July, 2016. The petitioner is entitled to claim interest on the amount of compensation in accordance with section 28 of the Act till the date of payment. The entitlement of the claimant to receive the amount of interest statutorily required to be paid cannot be denied and the respondent – Land Acquisition Officer need to be directed to compute the amount payable to the petitioner towards the interest from 1st July, 2017 till the date of payment. The computation shall be made by the Land Acquisition Officer within a period of two weeks from today. The CIDCO shall deposit the amount payable towards the interest as recorded above with the Land Acquisition Officer within a period of one month from the date of computation of the amount by the Land Acquisition Officer. The amount of interest computed by the Land Acquisition Officer, as above, shall be deposited by the CIDCO with the Land Acquisition

Officer and the same shall be disbursed to the petitioner – original claimant within a period of five months from today.

6 In view of the above directions, Writ Petition is disposed of.

(N.J. JAMADAR, J.)

(R.M. BORDE,J.)

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