

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

WRIT PETITION NO.4722 OF 2019

Hiraman Kana Gavankar & Ors. ... Petitioners.

V/s.

The Deputy Collector (Land
Acquisition) & Ors. ... Respondents.

Ms.Sachin Punde for the Petitioners.

Mrs.M.S.Srivasatava AGP for Respondent Nos.1, 2, 3 and 5
(State).

Mr.S.S.Diwan i/b A. M. Kulkarni, for Respondent Nos. 3 and 4.

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

DATE : 23RD APRIL, 2019.

P.C.:

1] The petitioners are agriculturists, whose landed property has been acquired for the public purpose. It transpires that awards determining the amount of compensation in respect of the acquired property has been declared by the Land Acquisition Officer on 27.06.1986 and 08.07.1986. The petitioners did not raise a challenge to the awards, however, tendered an application on 18.06.2012 under section 28-A of the Land Acquisition Act, 1894 (hereinafter referred as the "Act") for redetermination 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 redetermined and the award under Section 28-A(2) of the Act

has been declared directing enhancement in the amount of compensation on 30.06.2016. The petitioners are in receipt of a notice issued by the Land Acquisition Officer under section 12(2) of the Act. It is the contention of the petitioners that though notice has been received by them calling upon them to collect the amount of compensation in the year 2016, the amount has not yet been disbursed.

2] We have heard respective counsel for the parties.

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

4] It is pointed out by counsel appearing for the petitioners 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 11th

July, 2016. The petitioners are 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 claimants 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 petitioners towards the interest from 1st July, 2016 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 petitioners – original claimants within a period of five months from today.

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

(N. J. JAMADAR, J.)

(R. M. BORDE, J.)