

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5386 OF 2011**

The Deccan Paper Mills Ltd	...Petitioner
<i>Versus</i>	
The State of Maharashtra, through the Urban Development Department	...Respondent

Smt Meena H Doshi, *for the Petitioner.*
Mrs Ashwini A Purav, *AGP, for Respondent No. 1.*
Mr Abhijit P Kulkarni, *for Respondents Nos. 2 to 4.*
Mr RB Kamble, *Assistant Town Planner, SLAO-16, Pune, is present.*

**CORAM: S. C. DHARMADHIKARI &
G.S. PATEL, JJ**
DATED: 8th July 2019

PC:-

1. When this matter was placed before us today and our attention was invited to the original records, it is apparent that the Pune Municipal Corporation has already constructed the road. Now, that part of the obligation is discharged. However, when we called upon the learned AGP and through her the Special Land Acquisition Officer to produce the original records, we are shown a letter from the original records to the effect that the Special Land Acquisition Officer on 13th August 2018 and 17th June 2019 informed the Deputy Commissioner of the Municipal Corporation,

in-charge of land acquisition that so long as the amount of compensation is not deposited with the Special Land Acquisition Officer, he cannot declare the award.

2. It is common ground and as conceded by Mr Kulkarni appearing for the Municipal Corporation that the amount has not been deposited. It is also contended that the amount of compensation will have to be determined in terms of the new law, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 and Section 24 thereof.

3. In the above circumstances, and when the petitioner can obtain the compensation in terms of the new law and its applicable provisions, we do not think that the writ petition should be kept pending. That procedure will have to be completed by the Corporation and should the Corporation fail to complete the same, then, all the consequences in law will follow.

4. It is evident that for this procedure to be followed, the amounts will have to be made available to the Special Land Acquisition Officer.

5. It is stated that the same would be done as expeditiously as possible.

6. The writ petition is disposed of in these terms for the grievance of the petitioner to receive compensation stands redressed.

(S. C. DHARMADHIKARI, J)

(G. S. PATEL, J)