

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

WRIT PETITION NO. 3309 OF 2019

Sharda Jaywant Khutale & Ors. & 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 Petitioners.

Mrs. Madhubala Kajale, 'B' Panel Counsel for Respondent Nos.1, 2 and 5 (State).

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

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

DATE : 15TH APRIL 2019

P.C.:

1. The petitioners are 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 10th September 1986. The petitioner did not raise challenge to the award, however, tendered an application on 8th June 2012 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 17th May 2016. 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 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 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.

[N.J. JAMADAR, J.]

[R. M. BORDE, J.]