

(1)

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

5 WRIT PETITION NO.964 OF 2018

VITHAL SANTRAM SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr A. V. Indrale Patil, Advocate for petitioner;
Mr S. B. Yawalkar, A.G.P. for respondent Nos.1 to 3;
Mr R. C. Patil, Advocate for respondent No.4

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 23rd August, 2021

PER COURT:

1. On 29/01/2018, this Court noted the submissions of the learned Counsel for the petitioner while issuing notice, as under :-

“ Heard. Though we are not inclined to entertain the Petition in terms of prayer clause B, however, the grievance is raised by the petitioner that for 13 R land though it is acquired, the compensation is not paid to him. To that extent only namely the compensation is not paid, issue notice to the Respondents returnable on 15th February, 2018. Learned A.G.P. waives service of notice for Respondent Nos.1 to 3. In addition to regular mode of service, the Petitioners to serve Respondent No.4 by alternate mode of service such as Fax/E-mail/Courier and file affidavit of service, before returnable date.”

(2)

2. The learned Advocate representing respondent No.4 – Acquiring Body, submits that the entire compensation amount has been deposited with respondent No.3. When called upon to state the date on which the amount is deposited, he is unaware.

3. The learned Advocate for the petitioner submits that he would approach respondent No.3 and collect the compensation amount with interest. Thereafter, if he has any grievance surviving regarding the quantum of compensation, he would resort to a remedy, as is permissible in law.

4. In view of the above, this petition is disposed off with the following directions :-

(a) The petitioner shall approach respondent No.3, on or before 15/09/2021 for collecting the compensation amount with interest;

(b) His withdrawal of the said amount will not amount to his consent insofar as his grievance as regards the quantum of compensation is concerned;

(c) He would be entitled to the statutory interest component as is enshrined under the Right to Fair

(3)

Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and respondent No.3 would ensure that such interest is paid strictly as per the Rules;

(d) If the petitioner has any grievance as regards the quantum of the compensation amount/interest, he would be at liberty to take recourse to a remedy, as is permissible in law.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk