

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2878 of 2021**

Rajendra Ramdas Vidhate and ors.

....Petitioners

Versus

The Union of India and ors.

....Respondents

Mr. Vivek M. Punjabi, advocate for the petitioners.

Mr. Ashutosh Misra, advocate for respondent No.1.

Ms. M. S. Bane, AGP for respondent Nos.2, 3 and 4.

Mr. Rakesh Singh along with Ms.Lakshmi Bussa i/b. M. V. Kini and Co.,
advocate for respondent Nos. 5 and 6.

**CORAM : PRASANNA B. VARALE &
MADHAV J. JAMDAR, JJ.**

DATE : 21st OCTOBER, 2021.

P.C. :

1. Heard learned counsel and learned AGP appearing for the respective parties.

2. By our order dated 23rd September, 2021, three weeks' time was granted to respondent Nos.5 and 6 to file their reply. Till date, no reply has been filed on behalf of respondent Nos.5 and 6. One Mr.Neelesh Bhaskar Shringi, Deputy Collector and Special Land Acquisition Officer (National Highway Project), Nashik, has filed an affidavit dated 17th August, 2021, on behalf of respondent Nos.3 and 4. It

can be seen from the said affidavit that the fact viz. the land of the petitioner was acquired for the purpose of upgradation and strengthening of existing Vani-Pimpalgaon-Surat Border National Highway is admitted. It is further admitted that an award under Section 3 G of National Highway Act, 1956 was also declared on 25th February, 2020, whereunder the name of the petitioner appears in the column of interested persons to claim the compensation. The fact that the petitioner is rightful claimant and beneficiary of compensation against the acquisition of the land in view of the notice dated 8th September, 2020, issued to the petitioner under Section 3(H) and 3(E) of the National Highway Act 1956 is reiterated in the said affidavit. A copy of the said notice is annexed at Exhibit-R-2 of the affidavit. Perusal of the notice shows that the petitioners were called upon to attend the office of the Deputy Collector (Landacquisition), National Highway Project, Nashik along with necessary documents on 25th September, 2020. It may be useful for our purpose to refer to certain facts disclosed in paragraph No.4 of the affidavit-in-reply and such paragraph No.4 is reproduced hereinbelow :

"4. I say and submit that, since acquiring body had instructed to proceed for payment via PFMS, the procedural formalities for DSC mapping and registration on portal could complete in January 2021, accordingly payment was uploaded on PFMS portal on 11/1/2021 and forwarded to Respondent no.6 for further action. I say and submit the procedural part due to be done at end of answering respondent was over here. I say and

submit petitioner followed up for disbursement of payment to the office of answering respondent and same was requested by petitioner by his letter dated 08/02/2020. I say and submit that the answering respondent had forwarded the same by letter dated 09/03/2021 directing respondent no 6 to act earnestly, however payment stood undisbursed. Hereto annexed and marked as Exhibit-R3 is the copy of letter dated 08.02.2020. I say and submit that, I have exercised my duties diligently and the reason for non-payment or delayed payment might be sought from respondent no.5 and 6."

A copy of the communication dated 9th March, 2021, addressed to respondent No.5 is annexed as Exhibit R-3 to the affidavit in reply. In the said communication, it is stated that the entire process of depositing the amount of compensation in the bank account of the petitioner is completed on 12th January, 2021 and respondent No.5 is requested to take further steps for actual disbursements of the amounts to the petitioners.

3. Thus, the above referred fact indicate that now, it is the duty of respondent Nos. 5 and 6 to see that the amount of compensation is disbursed to the petitioners. Considering these facts, we are of the opinion that the petition can be disposed of by passing the following order:

O R D E R

(1) In view of the communication dated 9th March, 2021, Respondent Nos.5 and 6 are directed to take all necessary steps to disburse the amounts to the petitioners as expeditiously as possible and not later than four weeks from the date of receipt of the order of this Court.

In view of the above, the petition stands disposed of.

4. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

(MADHAV J. JAMDAR, J.)

(PRASANNA B. VARALE, J.)