

Santosh

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

**INTERIM APPLICATION NO. 2782 OF 2021
IN
FIRST APPEAL NO. 582 OF 2013**

SANTOSH
SUBHASH
KULKARNI

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Tukaram Somanna Mendgudale (deceased)
through LRs.

...Applicant/
Appellant

Versus

The State of Maharashtra & ors.

...Respondents

Dr. Ramdas Sabban, for the Applicant/Appellant.
Mr. Y. Y. Dabke, AGP for Respondent nos.1 and 2.
Ms. Mrunmayi Khambde, i/b Vilas Tapkir, for Respondent
no.3.

CORAM: N. J. JAMADAR, J.

DATED : 14th OCTOBER, 2021

PC:-

1. Heard Mr. Sabban, the learned Counsel for the applicant, Mr. Dabke, the learned APP for respondent nos.1 and 2 and Ms. Khambde, the learned Counsel for respondent no.3.
2. This application is preferred seeking a direction to transmit the amount of compensation deposited by respondent no.3, pursuant to order dated 21st August, 2019, passed in First Appeal No.582 of 2013, which was disposed of in terms of the Consent Minutes of Order dated 21st August, 2019. The Consent Minutes of Order read as under:

“1. The Ld. Counsel for the Respondent No.3 Executive Engineer (MKVDC) tendered on record the letter dt.05-07-2019, which is taken on record which is marked as X. As per the said letter, on the ground of parity in compensation granted to other neighboring lands, the Respondent No.3 (MKVDC) has decided to grant the land value at the rate of Rs.2,65,130/- per Hectare for the present acquired lands, in order to avoid the further 15% per annum interest on compensation amounts. The same is acceptable to the claimants.

2. Accordingly, the respondent no.2 – S.L.A.O. shall re work-out the land values @ Rs.2,65,130/- per Hectre for the present acquired lands, after deducting the land values that are already paid, with all the usual statutory benefits thereon in accordance with law. The compensation shall be paid as early as possible to the concerned claimant landholders under the Award in accordance with law.

3. The First Appeal is accordingly disposed of.”

3. In view of the Consent Minutes of Order, this Court disposed of the appeal directing that the Consent Minutes Order be treated as part and parcel of the decree.

4. In the aforesaid view of the matter, it would be suffice to direct that the amount deposited by respondent no.3 in terms of the aforesaid order alongwith interest accrued thereon be remitted to respondent no.2 – S.L.A.O. No.1, Solapur, for appropriate action in accordance with the Consent Minutes of Order, extracted above.

5. The Registry shall, therefore, remit the amount of compensation deposited by respondent no.3 alongwith interest accrued thereon to S.L.A.O. No.1, Soalpur (respondent no.2) for further action in accordance with the aforesaid order and law.

[N. J. JAMADAR, J.]