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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10273 OF 2019

WITH

WRIT PETITION NO. 9583 OF 2019

Shri. Shridhar Changu Thakur and Ors

....Petitioners

V/s.

The State of Maharashtra through
Special Land Acquisition Officer,
Metro Centre No. 3, Panvel

.....Respondent

Mr. Sachin S. Punde for the Petitioner in both petitions
Smt. M. S. Bane AGP in WP 10273 of 2019
Mr. P. P. Pujari AGP in WP 9583/2019

CORAM : NITIN W. SAMBRE, J.

DATE: FEBRUARY 23, 2021.

P.C.:

1] I am informed that first Appeal preferred by the State government against the award delivered under Section 11 of the Land Acquisition Act is already dismissed whereas the cross objection of the Petitioner is allowed thereby enhancing the compensation.

2] From the facts it can be noticed that land was acquired on 24th September 1986 and for almost last more than 30 years complete compensation at enhanced rate is not paid.

3] Learned AGP informs that after more than 5 years, Review proceedings are initiated in 2021 seeking review of the Judgment of the First Appellate Court whereby Appeal of the State was dismissed and Petitioners cross Appeal came to be allowed.

4] This cannot be the reason for putting the Petitioner to an unreasonable condition. I am informed by the learned counsel for the Petitioner that in Writ Petition No. 9583/2019 in addition to the amount of which withdrawal is permitted, Rs. 7,15,971/- is yet to be deposited by the Respondent-State whereas in Writ Petition No. 10273/2019, it is Rs. 2,93,22,217/-.

5] In that view of the matter the incorporation of unreasonable condition of furnishing property extracts with the indemnity bond is

unreasonable and as such it is directed that the Petitioner shall furnish an undertaking on affidavit and indemnity bond for the amount of which he has sought withdrawal.

6] Petition stands allowed in the above terms.

[NITIN W. SAMBRE, J.]