

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

WRIT PETITION NO.11642 OF 2021

**BASWARAJ SHIVAPPA BIRAJDAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. Kodale Vikas G.
AGP for Respondents State: Mr. A. S. Shinde
Advocate for Respondent No.2 : Mr. S. P. Sonpawale

**CORAM : C. V. BHADANG &
SANDIPKUMAR C. MORE, JJ.**

DATE : 28 JUNE 2022

ORDER:

By this petition, the petitioner has sought direction to the respondents to pay an amount of Rs.52,04,960/- as per the Award passed under section 28-A of the Land Acquisition Act 1894.

2. Record discloses that by an order dated 1 February 2022, this Court had directed respondent No. 2/Acquiring body to deposit compensation as mentioned in the communication dated 21 May 2020 addressed by respondent No.3 within a period of two weeks. It appears that in pursuance of the said order, respondent No.2 has deposited an amount of Rs.22,18,349/- before this Court. The learned counsel for respondent No.2 states that balance amount of

Rs.20,89,701/- is being deposited before this Court during the course of the day. Office to accept the amount of Rs.20,89,701/-.

3. Learned counsel for the petitioner has taken exception to deposit of only partial amount and not the full amount of Rs.52,04,960/- as per the Award under section 28-A of the said Act. The learned counsel for respondent No.2 states that there is some error in computation of interest while calculating the amount as stated in the communication dated 21 May 2022.

4. We are of the considered view that this Court cannot go into the said disputed question about the computation of the compensation amount which is essentially pertaining to the execution of the award passed by the Land Acquisition Officer under section 28-A of the said Act. It is for the petitioner and all other interested persons and the beneficiaries under the Award to take recourse to appropriate remedy for execution of the Award before the Civil Court. However, as already an order is passed by this Court on 1 February 2022, we direct respondent no.2 to deposit the balance amount before the Land Acquisition Officer within four weeks from today.

5. The amount deposited before this Court along-with interest, if any, shall be made over to the Land Acquisition Officer. The Land Acquisition Officer shall pass appropriate order for payment/disbursement of the amount in accordance with the Award passed, after hearing the parties.

6. Writ petition is disposed of.

SANDIPKUMAR C. MORE, J

C. V. BHADANG, J.

JPChavan