

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

WRIT PETITION NO.13863 OF 2021
AND
WRIT PETITION NO.13866 OF 2021
AND
WRIT PETITION NO.13868 OF 2021

**SARASWATIBAI CHANDRAKANT SHINDE
VERSUS
THE ADDITIONAL COLLECTOR AND OTHERS**

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Advocate for the Petitioners : Shri Kale Ajeet B.
AGP for Respondent 1 : Shri S.G. Sangle
Advocate for Respondent 2 : Shri Deepak S. Manorkar
Standing Counsel for Respondent 3 in respective petitions :
Mrs.Sudha S. Kulthe, Shri A.G. Talhar and Shri S.S. Deve

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**CORAM : RAVINDRA V. GHUGE
&
S.G. DIGE, JJ.**

DATE :- 28th April, 2022

Per Court :-

1. In all these petitions preferred by identically placed petitioners, prayer clauses C and D are put forth as under :-

“C) To direct the respondents to release and pay entire amount of compensation along with interest to the petitioner as per the awards passed by the Arbitrator dated 31.03.2021 (Exhibit A of this petition) and for that purpose issue necessary order.

D) Pending hearing and final disposal of the present writ petition the respondents be directed to deposit entire amount of compensation along with interest to the petitioner as per the awards passed by the

Arbitrator dated 31.03.2021 & 29.06.2021 respectively (Exhibit A of this petition).”

2. The learned counsel appearing for respondent No.2/ acquiring body submits that these petitioners have subsequently instituted the execution proceedings being Regular Darkhast Nos.46/2022, 47/2022, 48/2022, KR-770/2022 and KR-771/2022.

3. After this matter was heard for sometime, the learned advocate for respondent No.2 submits that if this Court is inclined to pass an order that respondent No.2 should deposit some amounts of compensation and these petitions are being disposed off, the amounts could be deposited before the Executing Court.

4. There is no dispute that there is an arbitration award. The Special Land Acquisition Officer (SLAO) had granted compensation at the rate of Rs.2068/- per square meter. The arbitration award brought down the amount to Rs.1964/- per square meter. Both the parties have preferred the appeals under Section 34. However, there is no stay granted by the Court thereby, staying the arbitration award.

5. It is well settled and, in fact, a creation of the statute

that the land cannot be acquired and put to use for the purpose of a project until the compensation amount is paid. The SLAO has delivered the award. Since 2018, these petitioners have lost possession of their lands. Not a penny has been paid to them.

6. In view of the above, these Writ Petitions are disposed off with the direction that respondent No.2/ acquiring body shall deposit the amounts as per the Arbitrator's award, before the Executing Court. The learned counsel for respondent No.2 submits that at least eight weeks may be granted. As such, the said amount shall be deposited on or before 30.06.2022 before the Executing Court.

7. It goes without saying that, as these petitioners have lost their lands and do not have any right to enter their lands, much less cultivate the same, they would be at liberty to withdraw the said amounts from the Executing Court subject to such conditions as the Executing Court would deem fit and proper to impose and in the light of various orders passed by this Court which would be cited by the petitioners before the Executing Court.