

JPP

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1947 OF 2022

Laxmi Vishnu Chirlekar & Ors.] .. Petitioners

vs.

The Deputy Collector,]
Land Acquisition & Ors.] .. Respondents

WITH

WRIT PETITION NO.1949 OF 2022

Vinayak Namdev Naik & Ors.] .. Petitioners

vs.

The Deputy Collector(Land Acquisition)]
Metro Centre No.3, Panvel & Ors.] .. Respondents

WITH

WRIT PETITION NO.1950 OF 2022

Vishnu Jayaram Madhavi] .. Petitioner

vs.

The Deputy Collector(Land Acquisition)]
Metro Centre No.1, Panvel & Ors.] .. Respondents

WITH

WRIT PETITION NO.1952 OF 2022

Vasudev Janardhan Gaikar & Ors.] .. Petitioners

vs.

The Deputy Collector(Land Acquisition)]
Metro Centre No.3, Panvel & Ors.] .. Respondents

Mr.Sachin Punde, for Petitioners in all Petitions.

Mr.S.L. Babar, AGP for State-Respondent Nos.1, 2 and 5.

Mr.Sameer Patil, for Respondent Nos.3 and 4 in all Petitions.

**CORAM : S.V. GANGAPURWALA &
M.G.SEWLIKAR, JJ**

DATE : 19TH APRIL, 2022.

P.C.

1] In all these matters an award under Section 28A is passed in the year 2016 to 2020. The amount of compensation is not yet paid, hence the present Petition. During the pendency of the present Petition, it appears that the amount of compensation in some of the matter has been paid but belatedly. In some matters amount of compensation has not yet paid.

2] It is submitted by the learned counsel that the compensation amount i.e. the principal amount as per the award under Section 28A is paid to the Petitioners in Writ Petition Nos. 1947 of 2022. According to the Petitioners as the amount has been paid belatedly, the Petitioners are entitled for interest and in rest of the matters even the principal amount of compensation has not been paid.

3] The learned Advocate for the CIDCO submits that there are many claims that has to be discharged by the CIDCO, CIDCO has taken a policy decision to make payment in the order of precedence as follows:

- (i). The matter has been settled in Lok Adalat.
- (ii). The matters pending in execution proceedings.
- (iii). The matters decided under Section 28A proceedings.

4] The methodology as adopted may not be sound. The matters

are settled in Lok Adalat every month or every three months. The payment to the third category would always be pending. Their turn would never come.

5] In the present matters, the award under Section 28A are passed in the year 2016 and 2020. It is high time the payment of compensation is made. The compensation to be paid to the Petitioners is not disputed by the Respondents, the liability to pay the compensation is accepted.

6] Considering the above, we pass the following order:

(i). The Respondents shall make payment to the Petitioners in tune with the award under Section 28A of the Land Acquisition Act preferably within six months. The said order would apply in the matters where the compensation is not paid as detailed above. The Respondents shall also make payment of interest in accordance with the provisions of the Land Acquisition Act alongwith the payment of the principal amount.

(ii). Writ Petitions are accordingly disposed of. No order as to costs.

[M.G.SEWLIKAR, J]

[S.V.GANGAPURWALA,J]

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