

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5372 OF 2021

Ashish Prashant Hendre & Anr. ...Petitioners

Versus

The Deputy Collector (Land Acquisition) ...Respondents
& Ors.

WITH
WRIT PETITION NO.5377 OF 2021

Chandar Chau Patil (Deceased) ...Petitioner
Through LRS Ram Chandar Patil

Versus

The Deputy Collector (Land Acquisition) ...Respondents
& Ors.

WITH
WRIT PETITION NO.7924 OF 2021

Bharati Jagdish Hendre (Now Deceased) ...Petitioners
& Anr.

Versus

The Deputy Collector (Land Acquisition) ...Respondents
& Ors.

WITH
WRIT PETITION NO.5374 OF 2021

Bharati Jagdish Hendre (Now Deceased) ...Petitioners
& Ors.

Versus

The Deputy Collector (Land Acquisition) ...Respondents
& Ors.

WITH
WRIT PETITION NO.5412 OF 2021

Chandar Chau Patil (Deceased) ...Petitioner

Versus

The Deputy Collector (Land Acquisition) ...Respondents
& Ors.

WITH
WRIT PETITION NO.3332 OF 2021

Bharat Balu Patil & Ors. ...Petitioners

Versus

The Deputy Collector (Land Acquisition) ...Respondents
& Ors.

WITH
WRIT PETITION NO.3309 OF 2021

Sudhakar Shanivar Thakur ...Petitioner

Versus

The Deputy Collector (Land Acquisition) ...Respondents
& Ors.

WITH
WRIT PETITION NO.7921 OF 2021

Leelabai Pandurang Patil & Ors. ...Petitioners

Versus

The Deputy Collector (Land Acquisition) ...Respondents
& Ors.

WITH
WRIT PETITION NO.7922 OF 2021

Janardan Hiru Bhoir & Anr. ...Petitioners

Versus

The Deputy Collector (Land Acquisition) ...Respondents
& Ors.

WITH
WRIT PETITION NO.3326 OF 2021
WITH
WRIT PETITION NO.3325 OF 2021

Vishwanath Balu Patil & Anr. ...Petitioners

Versus

The Deputy Collector (Land Acquisition) ...Respondents
& Ors.

WITH
WRIT PETITION NO.7923 OF 2021

Santosh Changa Nerulkar ...Petitioner

Versus

The Deputy Collector (Land Acquisition) ...Respondents
& Ors.

WITH
WRIT PETITION NO.5059 OF 2021

Smt. Kamalabai Padmakar Bhoir & Ors. ...Petitioners

Versus

The Deputy Collector (Land Acquisition) ...Respondents
& Ors.

Mr. Sachin Punde for Petitioner.

Mr. V. S. Gokhale, AGP in WP/5372/2021, Mr. R. S. Pawar, AGP in WP/5377/2021, Mr. R. N. Solunke, AGP in WP/7924/2021, Mr. A. A. Pawar, AGP in WP/5374/2021 and Mr. R. M. Shinde AGP in WP/5412/2021.

Mr. Pankaj J. Das for Respondent Nos.3 and 4 (CIDCO).

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

CORAM : S. V. GANGAPURWALA, AND
 VINAY JOSHI, J.J.

DATE : 17th MARCH, 2022.

P.C.

1. In all these matters an award under Section 28A is passed in the year 2019. 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 same 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.5372 of 2021, 5412 of 2021, 7924 of 2021, 5374 of 2021, 7923 of 2021. 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, 2019 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.

[VINAY JOSHI, J.]

[S. V. GANGAPURWALA, J.]