

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7366 OF 2022

Nirmala Krishna Mundkar ... Petitioner
V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7396 OF 2022**

Changa Chandar Bhoir and Ors. ... Petitioners
V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7367 OF 2022**

Jitendra Dattatraya Mundkar and ... Petitioners
Anr.
V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7370 OF 2022**

Namubai Nathu Gharat and Anr. ... Petitioners
V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7371 OF 2022**

Nirmala Madhukar Koli ... Petitioner
V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7373 OF 2022**

Prakash Bamji and Ors. ... Petitioners
V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7374 OF 2022**

Keshav Aaditwar Naik ... Petitioner
V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7375 OF 2022**

Shankar Ambya Patil ... Petitioner
V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7376 OF 2022**

Parvatibai Motiram Koli and Anr. ... Petitioners
V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7377 OF 2022**

Pandharinath Parshuram Keni and ... Petitioners
Ors.
V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7378 OF 2022**

Vishvanath Balu Patil and Anr. ... Petitioners
V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7372 OF 2022**

Suresh Chandar Koli (since ... Petitioners
deceased) through LRs Laxmibai
Suresh Koli through POA Jaidas
Suresh Koli
V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7392 OF 2022**

Madan Keshav Patil and Ors. ... Petitioners
V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7391 OF 2022**

Madhukar Gosavi Bhoir ... Petitioner
V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7383 OF 2022**

Sunita Dharma Keni (since ... Petitioners
deceased) through LRs.
V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7382 OF 2022**

Ram Kana Patil and Ors. ... Petitioners
V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7379 OF 2022**

Chandar Kamlya Thakur and Ors. ... Petitioners
V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7388 OF 2022**

Pandharinath Gautam Patil and ... Petitioners
Anr.

V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7369 OF 2022**

Gona Tukaram Patil (since ... Petitioners
deceased) through LRs. and Ors.

V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7368 OF 2022**

Muktabai Rama Patil (since ... Petitioners
deceased) through LRs. and Ors.

V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7381 OF 2022**

Kashiram Ambaji Bhoir (since ... Petitioners
deceasead) through LRs and Ors.

V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7380 OF 2022**

Gautam Ganpat Khandagale ... Petitioners
(since deceased) through LRs
and Ors.

V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7390 OF 2022**

Kundalik Namdeo Mayde and Anr. ... Petitioners

V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7389 OF 2022**

Dagadu Tatya Mhatre (since ... Petitioners
deceased) through LRs and Ors.

V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7394 OF 2022**

Yamunabai Lahu Thakur and Ors. Petitioners
versus

The Deputy Collector (Land Acquisition)
and ors. Respondents

**WITH
WRIT PETITION NO. 7398 OF 2022**

Maruti Rama Patil (since ... Petitioners
deceased) through LRs and Ors.

V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7386 OF 2022**

Bayabai Drushna Mhatre and Ors. ... Petitioners
V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

**WITH
WRIT PETITION NO. 7395 OF 2022**

Budhaji Changu Khutarkar and ... Petitioners
Ors.
V/s.

The Deputy Collector (Land ... Respondents
Acquisition) Metro Centre No.3
and Ors.

Mrs. Deepa Punde I.by Mr. Sachin S. Punde for the
Petitioners.

Mr. Ashutosh M. Kulkarni, Advocate for respondent Nos.3
and 4 - CIDCO in WP/7386/2022,7389/2022 7390/2022,
7394/2022 , 7395/2022 ad 7398/2022.

Mr. G.S. Hegde a/w Ms. P. M. Bhansali for the respondent
nos. 3 and 4 for CIDCO in Writ Petition Nos.7366 to 7383 of
2022, 7388 of 2022, 7391 and 7396 of 2022.

Mr. A.I. Patel-Addl. G.P a/w Mrs. M.S. Bane-AGP for State in
WP Nos. 7366/22 to 7372/22

Mrs. R.M. Shinde-AGP for State in WP No. 7373/22 to
7379/22.

Mr. R.S. Pawar- AGP for State in WP No. 7380/22 to
7383/22, 7386/22,7388/22 & 7389/22.

Mr. S.L. Babar-AGP for State in WP No. 7390/22 to 7392/22, 7394/22 to 7396/22 and 7398/22.

**CORAM : R. D. DHANUKA &
S. G. DIGE, JJ.**

DATE : 30th NOVEMBER, 2022.

P.C. :

1. Rule. Learned counsel for CIDCO waives service. Learned AGP waives service for State of Maharashtra. Rule is made returnable forthwith.
2. By consent of parties, the petitions were heard together and are being disposed of by a common order in view of the facts and the issues raised therein are identical.
3. By these petitions filed under Article 226 of the Constitution of India, the petitioners seek a writ of mandamus against the respondents to forthwith implement and make the payment of re-determined amount of compensation as per various Awards prescribed in prayer clause (B) of the petitions.
4. It is not in dispute that the respondents have not

raised any dispute that the awards which are the subject matter of these petitions are executable and that those awards are not challenged by the CIDCO or by the State of Maharashtra and they have attained finality.

5. Learned counsel for the petitioners relied upon a judgment of this Court delivered on 29th April 2022 in Writ Petition No. 2087 of 2021 in case of **Trimbak Joma Thakur and Ors Vs. Municipal Secretary Urban Development Department and Ors.** and also copy of the order passed by the Hon'ble Supreme Court on 18th July 2022 in Special Leave Petition No.11184 of 2022 arising out the final judgment and order dated 29th April 2022 passed by this Court in Writ Petition No. 2087 of 2022.

6. This court has negated all the contentions raised by the respondents in this batch of petitions after referring to various judgments. The judgment and order passed by this Court in the said writ petition has attained finality in view of the dismissal of the special leave petition by the Hon'ble Supreme Court by order dated 18th July 2022.

7. These awards in favour of the petitioners awarding

payment of compensation having been attained finality, the respondents cannot refuse to comply with those awards and to pay the awarded compensation to the petitioners. In our view, the view taken on the part of the respondents is totally contrary to the principle laid down by this Court in the judgment in the case of **Trimbak Joma Thakur and Anr.(supra).**

8. Mr. Hedge and Mr. Kulkarni, learned counsel appearing for the CIDCO could not distinguish the judgment of this Court in case of *Trimbak Joma Thakur*. In our view, the said judgment squarely apply to the facts of this case.

9. Learned counsel for the petitioners, on instructions, state that to the knowledge of the petitioners, no appeal has been preferred by the State Government against the awards which are the subject matter of these writ petitions. Admittedly CIDCO has not filed any appeal against the awards which are the subject matter of these petitions.

10. We accordingly pass the following order:

(i) The writ petitions are allowed in terms of prayer Clause (B).

(ii) The State Government is directed to submit a proposal with computation of the amount payable to the petitioners under the said awards which are the subject matter of this petition to the CIDCO within two weeks from today without fail with the copy thereof to be served upon the petitioners.

(iii) The CIDCO is directed to deposit the amount that would be computed by the State Government within a period of three months from the date of the receipt of such proposal without fail with the State Government.

(iv) Such deposit shall be inclusive of the amount of interest for a period of 3 months from the date of submission of such proposal to CIDCO i.e. upto the date of payment.

(v) Upon receipt of such amount from CIDCO,

the State Government shall release such amount in favour of the petitioners within a period of two weeks thereafter without fail.

11. In view of these directions, we give three months time to CIDCO to make such deposit which would be obviously inclusive of the interest considering the time granted to CIDCO for making such payment.

12. The writ petitions are allowed in the aforesaid terms. Rule is made absolute accordingly. There shall be no order as to costs.

13. Parties to act on the authenticated copy of this order.

(S. G. DIGE, J.)

(R. D. DHANUKA J.)