

20/9/2022

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8708 OF 2022

Subhash Laxman Taware

... Petitioner

Vs.

The State of Maharashtra, thr.

The Special Land Acquisition

Officer and Ors.

... Respondents

Mr. Ashutosh M. Kulkarni a/w. Mr. Sachin K. Hande, Mr. Mohan

C. Kumbhar, **Advocate for the Petitioner.**

Smt. Madhubala Kajle, **AGP for State-respondents no. 1, 2**
and 3.

CORAM : SANDEEP K. SHINDE, J.**TUESDAY, 20TH SEPTEMBER, 2022.****P.C. :**

1. Pursuant to Notification dated 29th October, 1994 and Notification dated 16th November, 1992 issued under Section 4 of the Land Acquisition Act, petitioner's land bearing Survey No.216, admeasuring 37 Ares was acquired on 29th

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November, 1987 for rehabilitation of 1984 riot affected persons, by the Collector, Thane. The Award dated 29th November, 1997 was confirmed in the First Appeal.

2. Petitioner's grievance is, the Executing Court in exercise of jurisdiction under the Land Acquisition Act, committed error in not granting the statutory benefits to the petitioner and therefore seeks appropriate directions.

3. Heard learned Counsel for the parties.

4. Perused the impugned order. In consideration of the facts of the case, I deem it appropriate to issue the following directions to the Executing Court :

(i) It shall calculate interest under Section 23(1-A) of the Land Acquisition Act on the amount of compensation from the date of publication of Notifications under Section 4(1) of the Land Acquisition Act.

(ii) Subject to verification of record, interest on Rs.1,07,20,933/- be calculated from September, 2014.

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(iii) Subject to verification of record, ground rent for the period June, 1984 to September, 1992 may be paid to the petitioner relating to the pre-acquisition period, if not paid.

5. The impugned order is set aside. Executing Court shall, re-compute the amount of benefits afresh, in terms of this order, expeditiously.

6. The petition is partly allowed in the aforesaid terms and disposed of.

**NEETA
SHAILESH
SAWANT**

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NEETA SHAILESH
SAWANT

Date: 2022.09.27
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(SANDEEP K. SHINDE, J.)