

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

WRIT PETITION NO. 750 OF 2020

Rukmini V. Keni & Others .. Petitioners.
v/s.
The Dy. Collector (Land Acquisition)
& Others .. Respondents.

Mr. Sachin S. Punde, for the Petitioners.
Mr. R. S. Pawar, AGP for the Respondent Nos. 1, 2 and 5.
Mr. A. M. Kulkarni, for Respondent Nos. 3 and 4-CIDCO.

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**CORAM: S.V. GANGAPURWALA &
VINAY JOSHI, JJ.
DATED : 30th MARCH, 2022.**

PC:-

The Petitioner seeks payment of compensation as per the award under Section 28-A of the Land Acquisition Act, 1894(the 'said Act'). The award under Section 28-A of the said Act grants additional rate of Rs.100/- per square meter. The said award is based upon the judgment delivered by the Reference Court filed by one of the owners under Section 18 of the said Act. It appears that, against the award passed by the Reference Court under Section 18 of the said Act, the land owner as well as the State filed an Appeal before this Court. This Court decided the Appeal by enhancing the compensation amount to Rs.1725/- sq. meter. The State challenged the said order before the Apex Court. The Apex Court set aside the judgment of this Court and remitted the matter back to the High Court. It is submitted that the appeal is pending before this Court after remand from the Apex Court.

2 The learned Counsel for the CIDCO submits that the demand has yet not been received from the State authority as such the payment is not made.

3 The award under Section 28-A of the said Act passed by the Deputy Collector (Land Acquisition) has not been challenged by the State and/or the acquiring body. The said award is dated 4th July, 2016. In absence of challenge to the said award, the Respondents are bound to make payment of the said awarded under Section 28-A of the said Act.

4 In light of the above, the Respondents shall make payment to the Petitioner of the amount as determined under Section 28-A of the said Act under Award dated 4th July, 2016 to the Petitioner. The said amount shall be paid within a period of six months.

5 Writ Petition disposed of. No terms.

(VINAY JOSHI,J.)

(S.V.GANGAPURWALA,J.)