

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION (WP) NO. 2548/2021

1. Shivanand Rangnath Nagare
Aged 42 years, Occ. Agriculturist
2. Parmeshwar Eknath Tidke
Aged 35 years, Occ. Agriculturist
3. Madhukar Devrao Cheke
Aged 62 years, Occ. Agriculturist
4. Devchand Patilba Bangale
Aged 64 years, Occ. Agriculturist
5. Shivaji S/o Laxman Ingle
Aged 52 years, Occ. Agriculturist
6. Sandip S/o Narhari Ingle
Aged 34 years, Occ. Agriculturist
7. Devidas Shripat Nawale
Aged 56 years, Occ. Agriculturist
8. Ramu S/o Shripat Nawale
Aged 51 years, Occ. Agriculturist
9. Ganesh S/o Vithoba Tidke
Aged 48 years, Occ. Agriculturist
10. Patilba S/o Rathoji Doifode
Aged 59 years, Occ. Agriculturist
11. Bannekha Imamkha Pathan
Aged 53 years, Occ. Agriculturist
12. Imamkha Shabaskha Pathan
Aged 73 years, Occ. Agriculturist
13. Jummekha Imamkha Pathan
Aged 44 years, Occ. Agriculturist
14. Chandkha Imamkha Pathan
Aged 51 years, Occ. Agriculturist
15. Jagdish Baburao Sangle
Aged 40 years, Occ. Agriculturist

16. Vishvanath Manjaji Pawar
Aged 60 years, Occ. Agriculturist
17. Vijay S/o Kisan Maske
Aged 40 years, Occ. Agriculturist
18. Badri S/o Namdeo Doifode
Aged 60 years, Occ. Agriculturist
19. Dnyaneshwar Bhagwan Nagare
Aged 37 years, Occ. Agriculturist
20. Shakuntala Baburao Kakad
Aged 62 years, Occ. Agriculturist
All R/o. Singaon Jahangir, Tah.
Deulgaon Raja, District Buldana.

..... PETITIONER(S)

// VERSUS //

1. The State of Maharashtra
through its Secretary
Department of Irrigation,
Mantralaya, Mumbai – 32.
2. The Collector, Buldana
District Buldana.
3. The Executive Engineer,
Khadakpurna Project Division,
Deulgaon Raja, Dist. Buldana.
4. The Sub Divisional Officer,
Khadakpurna Rehabilitation
Sub Division No. 4, Deulgaon Mahi,
Tq. Deulgaon Raja, District Buldana.

.... RESPONDENT(S)

 Shri R.N. Ghuge, Advocate for the petitioners
 Miss. Nivedita P. Mehta, AGP for respondent nos. 1, 2 and 4/State
 Shri A.M. Kukday, Advocate for respondent no. 3

**CORAM : A. S. CHANDURKAR AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 12/01/2022

ORAL JUDGMENT : (PER:- A. S. CHANDURKAR, J.)

Rule. Rule made returnable forthwith. Heard the learned counsel for the parties.

2. The lands owned by the petitioners were the subject matter of acquisition in the proceedings under the Land Acquisition Act, 1894. After following the due procedure the consent Award was passed on 15.02.2009 acquiring the petitioners' lands. The said Award was passed in two parts being dated 15.02.2009 and 28.03.2009. The Sale Deeds were then executed by respondent no. 3. The compensation in question was, however, released in the month of March and April, 2009 which was about three years after passing of the Award and taking possession. Some of the land owners who were similarly situated had approached this Court in Writ Petition No. 1416/2016 praying that the respondent be directed to pay interest on account of delayed payment of compensation. By the judgment dated 21.12.2016, this Court granted the prayer and directed the payment of interest at the rate of 12% per annum to the said petitioners on the amount of compensation from the date of execution of Sale Deeds till the date on which the compensation was actually released. This judgment was challenged before the Hon'ble the Supreme Court by filing the Special Leave Petition which was dismissed on 17.07.2017. It is seen that similar orders have thereafter been passed in other writ petitions pertaining to the same Award.

3. After hearing the learned Counsel for the parties, we find that the petitioners can be granted benefit of the judgment of this Court in Writ Petition No. 1416/2016 as they are similarly situated and their lands were acquired pursuant to the same Award. Hence, for the reasons assigned in the Writ Petition No. 1416/2016 following order is passed:

- i. Respondent nos. 3 and 4 are directed to pay interest at the rate of 12% per annum to the petitioners on the amount of compensation from the date of execution of Sale Deeds till the date on which the amount of compensation was actually released.
- ii. This shall be done after verifying the case of each petitioners.
- iii. The aforesaid amount of interest shall be paid within a period of six months from today, failing which, that amount shall carry interest at the rate of 15% per annum till realization.

4. Rule is made absolute in the aforesaid terms with no order as to costs.

JUDGE

JUDGE

SANDIP
MAHADEV
GATE

Digitally signed
by SANDIP
MAHADEV
GATE
Date:
2022.01.13
18:03:46 +0530