

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 2002/2021

1. Sindhubai Dadarao Wankhede,
Aged about 72 years, Occu. Nil,
R/o Nanded (Khu.), Tah. Bhatkuli, Distt. Amravati.
2. Godavari Alias Pushpa Pralhadrao Khade,
Aged about 70 years, Occu. Nil,
R/o Rajputpura, Tah. Daryapur, Distt. Amravati.
Through Power of Attorney Holder for petitioners
Santosh S/o Dadarao Wankhede,
Aged about 44 years, Occu. Farmer,
R/o Nanded Khu. Tah. Bhatkuli, Distt. Amravati.

PETITIONERS

-VERSUS-

State of Maharashtra, Through Deputy Collector
and Land Acquisition Officer No.4, Camp Road,
Collector Office, Amravati.

RESPONDENTS

Shri A.P. Deshmukh, counsel for the petitioners.
Mrs. T.H. Khan, Assistant Government Pleader for the respondent.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : OCTOBER 19, 2022.

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

RULE. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The land of the petitioners came to be acquired under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the said Act'). Award under Section 23 of the said Act came to be passed on

07.01.2015. Since the petitioners did not receive the amount of compensation as granted under the award they had approached this Court in Writ Petition No. 3015 of 2019 seeking release of the amount of compensation. By the judgment dated 02.02.2021 the amount of compensation was directed to be disbursed to the petitioners within a period of four weeks. The petitioners claim that the amount of compensation was required to be released alongwith interest. Though the amount of compensation was paid, the amount of interest has not been paid. The petitioners thus have filed this writ petition seeking the amount of interest on Rs.8,39,073/- in terms of Section 80 of the said Act.

3. In the reply filed on behalf of the respondent it has been stated that the possession of the land in question was taken on 18.02.2021 and the amount of compensation was paid to the petitioners on 22.02.2021. The learned counsel for the petitioners seeks to dispute the factum of possession being taken on 18.02.2021 by urging that though possession was taken earlier, the receipt was got executed on 18.02.2021.

We are not in a position to adjudicate this disputed question. The possession receipt dated 18.02.2021 as well as the statement made in the affidavit filed on behalf of the respondent is not disputed before us.

4. As per the provisions of Section 80 of the said Act when the amount of compensation is not paid or deposited on or before taking possession of the acquired land, the Collector is required to pay the amount of compensation awarded with interest alongwith 9% per annum from the date when possession was taken till the amount of compensation is deposited. It is seen that though the petitioners have executed the possession receipt on 18.02.2021 (Page 93 of the writ petition), the amount of compensation has been disbursed to the petitioners on 22.02.2021. In accordance with the provisions of Section 80 of the said Act, the petitioners would be entitled to interest for the period from 18.02.2021 to 22.02.2021 at the rate of 9% per annum on the amount of compensation.

5. Accordingly, the respondent is directed to pay the amount of interest under Section 80 of the said Act for the period from 18.02.2021 to 22.02.2021 within a period of eight weeks from today. If the petitioners seek to challenge the said possession receipt they are free to do so in accordance with law.

The writ petition is disposed of in aforesaid terms. Rule accordingly. No costs.

(M.W. CHANDWANI, J.)

(A.S. CHANDURKAR, J.)

APTE

Signed By: Digitally signed
by ROHIT DATTATRAYA
APTE
Signing Date: 20.10.2022 10:20