

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

WRIT PETITION NO.4120 of 2021

Zakim Khan Wajir Khan vs. The State of Mah. Through its Secretary,
Department of Irrigation, and others.

With

WRIT PETITION NO.4121 of 2021

Mustak Khan Wahed Khan vs. The State of Mah. Through its Secretary,
Department of Irrigation, and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms Deepali Sapkal, Advocate for petitioner in both writ petitions.
Shri A.S.Fulzele, Additional Government Pleader for respondent nos. 1 and 2 in
both writ petitions.
Shri J.B.Kasat, Advocate for respondent no.3 in both writ petitions.

CORAM :- A.S.CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.
DATE :- SEPTEMBER 19, 2022

The lands of the petitioners having been acquired under the Land Acquisition Act, 1894, the petitioners seek disbursement of amount of compensation in terms of the award dated 15.06.2016. The Acquiring Body-Municipal Corporation, Amravati had deposited the amount of compensation with the Land Acquisition Officer. The petitioners dispute the amount of compensation as deposited by contending that the amount deposited by the Acquiring Body is lessor than their entitlement.

In the light of the fact that the amount of compensation has been deposited by the Acquiring Body, the interests of justice would be met by issuing the following directions:

(i) The Land Acquisition Officer-Sub Divisional Officer, Amravati shall disburse the amount of compensation to the claimants in terms of the award in LAC No.130/47/2000-01/Mouje Badnera, Tq. and District Amravati passed on 15.05.2016.

(ii) It would be open for the petitioners to place before the Land Acquisition Officer calculations indicating the amount of entitlement as per their calculations. The Land Acquisition Officer shall consider those calculations and take a decision thereon within a period of four weeks of receiving such calculations and if it is found that the amount of compensation deposited is less, necessary directions be issued to the Acquiring Body to make good the difference. If the grievance of the petitioners thereafter survives, they are free to take legal recourse available under the law.

(iii) The Land Acquisition Officer shall also consider the aspect of reimbursement to be made to the Acquiring Body.

With these directions, the writ petitions stand disposed of.
No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

Andurkar.