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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2727 OF 2023

Ankush Dhanaji Naik and Ors

.....Petitioners

V/s.

The Deputy Collector Land Acquisition
and Ors

.....Respondents

WITH

WRIT PETITION NO. 2733 OF 2023

Namdeo Kolya Alias Kokya Patil

.....Petitioner

V/s.

The Deputy Collector Land Acquisition
and Ors

.....Respondents

WITH

WRIT PETITION NO. 2734 OF 2023

Dagadu Hira Karadi Dec. Thr. LHRS

.....Petitioners

V/s.

The Deputy Collector Land Acquisition
and Ors

.....Respondents

WITH

WRIT PETITION NO. 2736 OF 2023

Tarabai Alias Taibai Harku Bhagat
and others

.....Petitioners

V/s.

The Deputy Collector Land Acquisition
and Ors

.....Respondents

**WITH
WRIT PETITION NO. 2771 OF 2023**

Shiva Janu Tambde Dec Thr Legal Heirs

.....Petitioners

V/s.

The Deputy Collector Land Acquisition
and Ors

.....Respondents

**WITH
WRIT PETITION NO. 2781 OF 2023**

Arjun Ragho Chimane Dec. Thr Legal Heirs

.....Petitioners

V/s.

The Deputy Collector Land Acquisition
and Ors

.....Respondents

**WITH
WRIT PETITION NO. 2729 OF 2023**

Trimbak Janardhan Bhoir and Ors

.....Petitioners

V/s.

The Deputy Collector Land Acquisition
and Ors

.....Respondents

**WITH
WRIT PETITION NO. 2731 OF 2023**

Kisan Dunkurya Pardeshi and ors

.....Petitioners

V/s.

The Deputy Collector Land Acquisition
and Ors

.....Respondents

**WITH
WRIT PETITION NO. 2738 OF 2023**

Kusum Raghunath Jadhav and ors

.....Petitioners

V/s.

The Deputy Collector Land Acquisition
and Ors

.....Respondents

**WITH
WRIT PETITION NO. 2774 OF 2023**

Sitabai Balaram Patil and Ors

.....Petitioners

V/s.

The Deputy Collector Land Acquisition
and Ors

.....Respondents

**WITH
WRIT PETITION NO. 2772 OF 2023**

Dharma Dhaya Joshi

.....Petitioner

V/s.

The Deputy Collector Land Acquisition
and Ors

.....Respondents

**WITH
WRIT PETITION NO. 2776 OF 2023**

Kamlakar Rama Patil and Ors

.....Petitioners

V/s.

The Deputy Collector Land Acquisition
and Ors

.....Respondents

**WITH
WRIT PETITION NO. 3047 OF 2023**

Harishchandra Nama Karadi alias Bhagat

.....Petitioner

V/s.

The Deputy Collector Land Acquisition
and Ors

.....Respondents

Mrs. Deepa S. Punde i/b Mr. Sachin S. Punde Advocate for the
Petitioners in all Petitions.

Mr. P. P. Kakade Govt. Pleader a/w Mr. A. I. Patel, Addl GP with Mr. R.
S. Pawar, AGP, Mrs. S. S. Bhende AGP and Mrs. M. S. Bane AGP for the
State in all Petitions.

Mr. Akshay R. Kulkarni i/b Mr. Ashutosh M. Kulkarni for Respondent-
CIDCO.

**CORAM : R. D. DHANUKA &
GAURI GODSE, JJ.**

DATED : 14 MARCH, 2023

(PER: GAURI GODSE, J.)

1. Writ Petition No. 3047 of 2023 is not on board. Mentioned.

Taken on board.

2. Rule. Learned counsel for CIDCO waives service. Learned AGP waives service for State of Maharashtra. Rule is made returnable forthwith.

3. By consent of parties, all the petitions were heard together and are being disposed of by a common order as the facts and issues raised therein are identical.

4. By these petitions filed under Article 226 of the Constitution of India, the Petitioners seek a writ of mandamus against the Respondents to forthwith implement and make the payment of re-determined amount of compensation as per various Awards prescribed in prayer clause (B) of the petitions.

5. It is not in dispute that the Respondents have not raised any dispute that the awards which are the subject matter of these petitions are executable and that those awards are not challenged by the CIDCO or by the State of Maharashtra and they have attained finality.

6. Learned counsel for the Petitioners relied upon a judgment of this Court delivered on 29th April 2022 in Writ Petition No. 2087 of 2021 in case of **Trimbak Joma Thakur and Ors Vs. Principal Secretary Urban Development Department and Ors.** and also copy of the order passed by the Hon'ble Supreme Court on 18th July 2022 in Special Leave Petition No.11184 of 2022 arising out the final judgment and order dated 29th April 2022 passed by this Court in Writ Petition No. 2087 of 2022.

7. This Court has negated all the contentions raised by the Respondents in these batch of petitions after referring to various judgments. The judgment and order passed by this Court in the said writ petition has attained finality in view of the dismissal of the special leave petition by the Hon'ble Supreme Court by an order dated 18th July 2022.

8. Mr. Kulkarni, learned counsel appearing for the CIDCO could not distinguish the judgment of this Court in case of *Trimbak Joma Thakur*. In our view, the ratio laid down in the said judgment is squarely applicable to the facts of all these Petitions.

9. Learned counsel for the Petitioners, on instructions, state that to the knowledge of the Petitioners, no appeal has been preferred by the State Government against the awards which are the subject matter of these writ petitions. Admittedly, CIDCO has not filed any appeal against the awards which are the subject matter of these petitions.

10. These awards in favour of the Petitioners awarding payment of compensation having been attained finality, the Respondents cannot refuse to comply with those awards and to pay the awarded compensation to the Petitioners. In our view, the view taken on the part of the Respondents is totally contrary to the principle laid down by this Court in the judgment in the case of *Trimbak Joma Thakur and Anr.*

11. We accordingly pass the following order:

(i) The Writ Petitions are allowed in terms of prayer Clause (B) which reads as under

“(B) This Honourable High Court be pleased to issue a Writ of Mandamus or any other

appropriate Writ or direction and/or Order in the nature of Writ directing Respondents to forthwith implement and make the payment of re-determined amount of compensation as per Award dated 05/12/2022 (Exhibit 'A' hereto) together with all benefits to the Petitioners including interest under Section 34 of the Land Acquisition Act 1894 to the Petitioners.”

(ii) The State Government is directed to submit a proposal with computation of the amount payable to the Petitioners under the said awards which are the subject matter of these Petitions to the CIDCO within two weeks from today without fail with the copy thereof to be served upon the Petitioners.

(iii) The CIDCO is directed to deposit the amount that would be computed by the State Government within a period of three months from the date of the receipt of such proposal without fail with the State Government.

(iv) Such deposit shall be inclusive of the amount of interest as per Section 34 of the Land Acquisition Act 1894.

(v) Upon receipt of such amount from CIDCO, the State Government shall release the amount in favour of the Petitioners within a period of two weeks thereafter without fail.

12. In view of these directions, we give three months time to CIDCO to make such deposit.

13. The Writ Petitions are allowed in the aforesaid terms. Rule is made absolute accordingly. There shall be no order as to costs.

14. Parties to act on the authenticated copy of this order.

(GAURI GODSE, J.)

(R. D. DHANUKA, J.)