

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3471 OF 2023

Pandurang T. Mhatre & Ors.

.. Petitioners

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr. Shriram Kulkarni a/w Hemant G. *for the Petitioners.*

Mrs. M. S. Bane, AGP *for the Respondent Nos. 1 and 2.*

Mr. Sameer Patil *for CIDCO.*

CORAM : B. P. COLABAWALLA &

M. M. SATHAYE, JJ.

DATE : SEPTEMBER 07, 2023

P. C.

1. Mr. Patil has stated that he has instructions to appear on behalf of CIDCO and has undertaken to file his Vakalatnama within a period of two weeks from today. The said undertaking is accepted.

2. The above Writ Petition is filed seeking the following reliefs:

a. That by any appropriate writ, Direction and Order by appropriate writ and direction of this Hon'ble Court to direct the Respondent No. 3 to 6 to deposit the Amount of the award with interest due and payable under Land Acquisition Act, with all consequential benefit with reference court within two weeks from the date of the order as more particularly described in chart at **Exhibit A**, hereto to avoid further interest of 15% p.a. on the said Awarded Amount.

b. Or alternatively, by way of appropriate writ, Direction and order of this Hon'ble Court, the said acquisition to be declare as a lapsed and the restore the lands of the Petitioners by recording their respective names in Revue record of their respective acquired lands.

c. That by appropriate writ, Direction and Order of this Hon'ble Court to direct the Respondent No. 3 to 6 to disclose the names of the officers who are responsible for not depositing the said Awarded Amount which burden with 15% interest p.a. by filing the Affidavit before this Hon'ble Court.

d. That by appropriate writ, Direction and Order by appropriate writ and direction of this Hon'ble Court to direct the Respondent No. 3 to 6 to disclose the amount which is liable to be deposited as per the Order passed by the Reference Court or Hon'ble High Court by filing the Affidavit before this Hon'ble Court.

e. That by appropriate writ, Direction and Order by appropriate writ and direction of this Hon'ble Court to direct the Respondent No. 3 to 6 to take action under the provision of The Maharashtra Government Servants Regulation of Transfers And Prevention Of Delay In Discharge of Official Duties Act, 2005,

against the officers who are responsible for act of Negligent in not deposition the said amount as per the Judgment and decree passed by the Reference court and also orders passed by the Hon'ble High Court in the various first appeal.

*f. That by appropriate writ, Direction and Order by appropriate writ and direction of this Hon'ble Court to direct the respondent no. 3 to 6 to decide the representation dated 13.12.2022 **(Exhibit - I herein)** made by the Petitioners.*

3. The subject matter of the present Petition are Awards passed under Section 28A in favour of 25 persons who are the Petitioners. Each Award is a compromise Award which was entered into with the SLAO. The chart of each of these Awards is at **Exhibit-A** to the Petition.

4. Mr. Kulkarni, the learned Advocate appearing for the Petitioners, submitted that despite the reliefs sought for above, the present Petition can be disposed of by giving a direction to the State Government to submit fresh proposals to CIDCO so as to enable CIDCO to deposit the requisite amount with the SLAO which can thereafter be disbursed to the concerned Petitioners.

5. The learned AGP appearing for the State submitted that since there are 25 Petitioners and 25 proposals would have to be forwarded to CIDCO, 12 weeks' time be granted to the State to forward the said proposals to CIDCO.

6. Considering these circumstances, we direct that the State shall forward the proposal of each of the Petitioners [as more particularly set out at **Exhibit-A** to the Petition], to CIDCO, within a period of 12 weeks from today. The proposal shall also indicate further interest payable at the rate of 15% p.a. from the date of the Award passed under Section 28(A) of the Land Acquisition Act, 1894 till the date of deposit.

7. Once these proposals are forwarded to the Chief Land and Survey Officer, CIDCO, it shall deposit the amount with the concerned SLAO, within a period of 8 weeks from the date of receipt of the proposals.

8. Once the amounts are deposited by the CIDCO with the concerned SLAO, the SLAO shall thereafter, within a period of two

weeks of receiving the said amount, disburse the same to each of the Petitioners as per their entitlement.

9. The above Writ Petition is disposed of in the aforesaid terms. No order as to costs.

10. Though we have disposed of the above Writ Petition, considering that the first compliance that is required to be done is within a period of 12 weeks, we place the above Petition on board for reporting compliance on 4th December, 2023.

11. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M. M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]