

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 13990 OF 2016
ALONGWITH
CIVIL APPLICATION NO. 195 OF 2020
IN
WRIT PETITION NO. 13990 OF 2016**

Dattatray Bhausahab Kalokhe

..... Petitioner

VERSUS

The State of Maharashtra & Ors.

..... Respondents

Mr.Suresh M.Sabrad, a/w. Mr.Aarya Chavan for the Petitioner.

Mr. A.I.Patel, Additional G.P., a/w. Ms.K.N.Solunke, A.G.P. for the State.

Mr.Y.B.Lengare for the Respondent nos. 4 to 7.

**CORAM: R. D. DHANUKA AND
M.M. SATHAYE, JJ.
DATE : 10TH JANUARY, 2023**

P.C:-

Rule. Mr.Patel, Additional G.P. waives service for the respondent nos. 1 to 3. Mr Lingare, learned counsel waives service for the respondent nos. 4 to 7. Rule is made returnable forthwith.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner prays for a declaration that the acquisition

proceedings have lapsed in view of the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. Mr. Sabrad, learned counsel for the petitioner states that his client is pressing for payment of interest from the date of possession till payment. He submitted that the award was made on 29th February, 2000. The possession was also taken on the same day. He relied upon the judgment of this Court delivered on 2nd March, 2022 in Writ Petition No. 10390 of 2018 in case of **Hemantkumar Krushnaji Charegaonkar vs. State of Maharashtra & Ors.** and in particular paragraphs 12 to 16 and 19. He submitted that this Court after considering the delay on the part of the authority in making payment of the compensation from the date of possession has awarded interest at the rate of 9% as determined by the award from the time it is made and further payment of interest at the rate of 15% after the expiry of one year from the date of award.

4. Mr. Patel, Additional Government Pleader for the respondent nos. 1 to 3 and Mr. Lengare, learned counsel for the respondent nos. 4 to 7

could not distinguish the said judgment of this Court. The petitioner has thus made out a case for payment of interest at the rate of 15% from the date of award till the date of deposit. The amount of interest shall be released by the respondent no.3 within six weeks from today. It is made clear that the interest shall be calculated upto the date of payment. Writ petition is allowed in the aforesaid terms. Rule is made absolute. No order as to costs. The parties to act on the authenticated copy of this order.

5. In view of disposal of the writ petition, nothing survives in the civil application and is also disposed off. No order as to costs.

[M. M. SATHAYE, J.]

[R. D. DHANUKA, J.]