

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12500 OF 2023

Pandharinath Parshuram Keni and Ors. .. Petitioners

Versus

The State of Maharashtra
thr its Secretary and Ors. .. Respondents

SNEHA
NITIN
CHAVAN

Digitally signed
by SNEHA
NITIN CHAVAN
Date:
2023.10.20
16:10:30 +0530

Mr. Shriram Kulkarni i/b Hemant Ghadigaonkar,
Advocates for the Petitioner in WP/12500/2023.

Mr. Shriram Kulkarni i/b Sujay Palshikar, *Advocates*
for the Petitioner in WP/12497/2023.

Mrs. M.S. Bane, AGP *for Respondent/State.*

Mr. Sameer Patil, *Advocates for Respondent/CIDCO.*

**CORAM : B. P. COLABAWALLA &
M.M. SATHAYE, JJ.**

DATE : OCTOBER 18, 2023

P. C.

1. Heard learned AGP for the State. Heard Mr. Patil, who has stated that he has instructions to appear on behalf of the CIDCO and he undertakes to file his vakalatnama within a period of two weeks. 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 5 to pay the Amount of the award with interest due and payable under Land Acquisition Act, with all consequential benefit within two weeks from the date of the order to the Petitioner 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 Revenue 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 5 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 5 to disclose the amount which is liable to be deposited as per Award 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 5 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 depositing the said amount as per the Award.*

*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 5 to decide the representation dated 05.04.2023 (**Exhibit -F herein**) made by the Petitioners."*

3. According to Mr. Kulkarni, the learned counsel appearing on behalf of the Petitioners, the subject matter of the present petition are orders passed under Section 18 of the Land Acquisition Act, 1894 ("**the said Act**" for short) in favour of Petitioner Nos. 2, 5 and 7, as well as awards passed under Section 28A of the said Act in favour of the Petitioner Nos. 1,3, 4 and 6. These details are set out at Exh.'A' [in relation to Section 18 orders] and Exh.'B' [in relation to 28A awards] to the Petition.

4. Mr. Kulkarni submitted that despite the reliefs sought for as above, the present petition can be disposed of by giving a direction to the State Government to submit fresh proposal 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 on behalf of the State submitted that since there are 7 Petitioners, 7 proposals would have

to be forwarded to CIDCO and therefore, twelve 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 proposals of each of the Petitioners [as more particularly set out in Exhs. 'A' and 'B' to the petition] to CIDCO within a period of 12 weeks from today. The proposal shall also indicate further interest payable @ 15% per annum from the date of Section 18 order and/or from the date of award passed under Section 28A of the said Act, as the case may be, till the date of deposit.

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

8. Once the amounts are deposited by CIDCO with the concerned SLAO, the SLAO shall thereafter, within a period of two weeks of receiving of said amounts, 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 the first compliance is required to be done within a period of 12 weeks, we place the above petition on board for reporting compliance on 17.01.2024.

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.]