

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

WRIT PETITION NO. 12497 OF 2023

Chandrakant Mahadeo Koli and Ors. .. Petitioners

Versus

Principal Secretary, Urban Development
Department, Mantralaya and Ors. .. Respondents

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NITIN
CHAVAN

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***Mr. Shriram Kulkarni i/b Sujay Palshikar, Advocates
for the Petitioners.***
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 this Hon'ble court be pleased to direct the SLAO to submit the fresh proposal with CIDCO with upto date

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calculation in respect of each case as per chart at Exh. B within one week and thereafter CIDCO be directed to deposit the entire decretal amount alongwith accrued interest with the SLAO within one week or as the court deems fit and thereafter the SLAO be directed to deposit the amount directly in the bank account as per the Judgement and order dated 22.09.2016 of the petitioners which is exhibited at Exh. B within one week or as the court deems fit;

- b. Be pleased to direct the State Government to take action under the provisions of Maharashtra Government Servants Regulation of transfers and prevention of delay in discharge of official duties Act against the office bearers of Metro Center No. 1, Panvel as well as the officer bearers of CIDCO for not taking any steps in a reasonable time and causing inordinate delay in disbursing the compensation to the petitioner and recover the loss of interest caused to the public exchequers from the concerned office bearers;*
- c. Be pleased to direct respondents to disclose the names of office bearers who are responsible for not disbursing the payment to the petitioner and further strict action should be taken against and the entire interest should be recovered from them.*
- d. In the event if the respondents are not willing to deposit the compensation, then acquired lands should be restored with immediate effect to the petitioner on such terms and condition deemed fit to this Hon'ble Court;*
- e. Any other just and equitable order as this Hon'ble Court deems fit in the interest of justice be passed."*

3. According to Mr. Kulkarni, the learned counsel appearing on behalf of the Petitioners, the Reference Court determined market rate payable to them, at the rate of Rs. 10/- & 11/- per sq.mtr in respect of lands acquired of the Petitioners. The State

Government and the Petitioners filed their respective appeals before this Court. This Court dismissed the appeals preferred by the State and determined uniform rate of Rs. 25/- per sq. mtrs in all cases of the Petitioners and directed the SLAO to deposit compensation in the account of the Petitioners.

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 9 Petitioners, 9 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 proposal of each of the petitioners [as more particularly set out in Exh-B to the petition] to CIDCO within a period of 12 weeks from today. The SLAO is directed to determine the

compensation payable to the Petitioners on the basis of Rs. 25/- per sq.mtrs after deducting compensation paid earlier as per order passed by the Reference Court under Section 18 of the Land Acquisition Act, 1894. The SLAO will determine the interest payable as per the provision of the Land Acquisition Act, 1894 till the date of deposit on the differential amount of compensation payable to the petitioners.

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.]