

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 11593 OF 2022****Vinod Rama Mundkar & Ors.****..... Petitioners****VERSUS****The Deputy Collector (Land Acquisition)****i.e. The Special Land Acquisition Officer,
& Anr.****..... Respondents**

Ms. Deepa Punde, i/b. Mr. Sachin S. Punde for the Petitioners.

Ms. Sushma S. Bhende, A.G.P. for the State – Respondent Nos. 1 and 2.

**CORAM: R. D. DHANUKA AND
GAURI GODSE, JJ.****DATE : 24TH APRIL, 2023****P.C:-**

Rule. Learned A.G.P. waives service for the Respondents. Rule is made returnable forthwith. By consent of the parties, petition is taken up for final hearing.

2. This petition is filed challenging the order dated 5th May, 2022 by which the Petitioners' application dated 27th April, 2022 was rejected. The Petitioners also seek directions for allowing application dated 27th April, 2022 directing the Respondent No.1 to forthwith release and pay compensation to the Petitioners by fixing the market value at the rate of Rs.25/- per square meter together with all statutory benefits of solatium, additional component etc.

3. Learned advocate for the Petitioners has submitted that the claim of the Petitioners is covered by the decisions dated 7th June, 2017 as well as 30th March, 2022 passed by this Court in Writ Petition No. 3613 of 2014 and Writ Petition No. 13329 of 2018 respectively. Learned A.G.P. has placed on record written instructions dated 27th March, 2023. On the basis of the written instructions, learned A.G.P. states that the claim of the Petitioners is covered by the decisions of this Court relied upon by the Petitioners. A copy of such instruction is placed on record by the learned A.G.P. Since there is no dispute that the claim of the Petitioners is covered by the aforesaid decisions of this Court, the order dated 5th May, 2022 which is impugned in the petition is required to be quashed and set aside.

4. Writ petition is allowed in terms of prayer clauses (B) and (C). The Respondent No.1 shall process the application dated 27th April, 2022 and release the amount within a period of eight weeks from today. Rule is made absolute in above terms. Parties to act on the authenticated copy of this order.

[GAURI GODSE, J.]

[R. D. DHANUKA, J.]