

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7572 OF 2023

Mr.Nitin S. Ghogre

..Petitioner

Versus

The Competent Authority for Land
Acquisition and Sub-Divisional Officer
Baramati Sub-Division,
Baramati & Anr

..Respondents

WITH
INTERIM APPLICATION NO.16497 OF 2023
IN
WRIT PETITION NO. 7572 OF 2023

Rajaram K. Raut & Ors

..Applicant
(Intervener)

IN THE MATTER BETWEEN
Mr.Nitin S. Ghogre

..Petitioner

Versus

The Competent Authority for
Acquisition & Sub-Divisional Officer
Baramati & Anr

..Respondents

Dr.Ramdas P. Sabban, with Mr.Pravin Sabban,
Advocates for the Petitioner.

Mr. Rakesh Singh, with Ms.Heena Shaikh i/b M. V. Kini
& Co, Advocates for Respondent No.2.

Mr. A. I. Patel, Addl.G.P. a/w Smt.M. S. Bane, AGP, for
the State/Respondent.

Mr.Shailesh D. Chavan a/w Amol Atole, Prakash

*Jadhav Advocates for the Intervenors /Applicant in
IA.16497/23.*

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**
DATE : NOVEMBER 28, 2023

P.C.

The subject matter of the present Petition is the acquisition of the Petitioner's land admeasuring 11,289 sq.mtrs of Gat No.225/Part, Village Bavada, Taluka Indapur District Pune. This acquisition was for National Highway No.965-G (km 0/000 to 72/000). The Competent Authority has also passed an Award after following due procedure of law and awarded compensation of Rs.2,50,84,413/-.

2 Before the Petition was filed, the Competent Authority has disbursed the amount of Rs.1,44,44,046/- to the Petitioner for compensation of fruit trees as well as pipelines. The balance amount of Rs.1,06,40,367/-, and which is for the land component, was not paid because it was the case of the Competent Authority as well as NHAI that the land in question is a reserved forest, and therefore, it is not legal to disburse the land component compensation to the Petitioner.

3 *Prima facie*, we did not find favour with this argument. Therefore, on 31st August, 2023, this Court directed NHAI to deposit the amount of Rs.1,06,40,367/- together with interest @9% p.a. from the date of the Award till the date of deposit. This has been duly done by NHAI and the same is also recorded by us in our order dated 3rd October, 2023.

4 Today when the matter is called out, the learned counsel appearing on behalf of NHAI has stated that NHAI is not disputing the amount of compensation awarded, namely the amount of Rs.2,50,84,413/-. He however submitted that the disbursement of the aforesaid amount or any part thereof has to be decided by the Competent Authority in accordance with law. Dr. Sabban, the learned counsel appearing on behalf of the Petitioner, also fairly stated that now that the amount of Rs.1,42,50,512/- (being the amount of Rs.1,06,40,367/- together with interest @9% p.a. from the date of the Award, namely 30th November, 2019, till the date of deposit) has been deposited in this Court, the same can be, along with accrued interest, if any, be transferred to the Competent Authority who can then disburse the said amount in accordance with law.

5 Considering the stand taken by the parties, we dispose of the above Writ Petition by passing the following directions:-

- a) The Registry of this Court shall transfer the amount of Rs.1,42,50,512/- together with accrued interest, if any, to the account of the Competent Authority within a period of two weeks from today.
- b) Once the amount is received by the Competent Authority, it shall disburse the same to the parties concerned in accordance with law.

6 We clarify that this order should not be construed to mean that we have directed that this amount ought to be paid to the Petitioner only. It is needless to state that any claims made for compensation towards the land which is acquired shall be decided by the Competent Authority uninfluenced by any observations of this Court and in accordance with law as expeditiously as possible.

7 In view of the disposal of the Writ Petition, nothing survives in the above Interim Application and the same is also disposed of accordingly.

8 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.

[SOMASEKHAR SUNDARESAN, J.] [B. P. COLABAWALLA, J.]