

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4690/2021

(SHESHRAO NAGORAO KALWAGHE & OTHERS **VERSUS** THE COLLECTOR, BULDANA & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri P.S. Kshirsagar, counsel for the petitioners.
Shri S.M. Ghodeswar, Assistant Government Pleader for the R-1 & 2.
Shri D.M. Kakani, counsel for the R-3.
Shri A.P. Kalmegh, counsel for the R-4.

CORAM : A. S. CHANDURKAR AND MRS.VRUSHALI V. JOSHI, JJ.

DATE : JANUARY 18, 2023.

Heard.

The land of the petitioners came to be acquired for Godbole Gate of Yelgaon Dam under the Water Supply Scheme. Award to that effect came to be passed on 27.08.2015 and it is the grievance of the petitioners that till date they have not received the compensation that has been awarded thereunder.

On hearing the learned counsel for the parties, it can be seen from the preamble of the award dated 27.08.2015 that the responsibility to pay the amount of compensation under the award is of the respondent no.3-Maharashtra Jeevan Pradhikaran.

The learned counsel for the respondent no.3 submits that for paucity of funds the said amount cannot be paid immediately. He seeks to rely upon the earlier Government Circular dated 10.09.2003 to urge that since the work in question has been carried out for the Municipal Council, it should bear the expenses.

We however find that the award clearly saddles the liability to pay the amount of compensation on the Maharashtra Jeevan Pradhikaran. It would therefore be its responsibility to pay the said amount by depositing it with the respondent no.2-Special Land Acquisition Officer. Thereafter the respondent no.3 can pursue the matter for reimbursement of the amount deposited by it from the State Government in accordance with law.

Accordingly, it is directed that within a period of three months from today, the respondent no.3-Maharashtra Jeevan Pradhikaran shall comply with the award dated 27.08.2015 by depositing the amount under the award with statutory interest with the respondent no.2-Special Land Acquisition Officer. Thereafter the respondent no.2-Special Land Acquisition Officer is free to disburse the amount in accordance with law. The respondent no.3-Maharashtra Jeevan Pradhikaran is at liberty to seek reimbursement of the said amount from the State Government in accordance with law.

The writ petition is disposed of with aforesaid directions. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

APTE