

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

WRIT PETITION NO. 5788 OF 2019

Rameshwar S/o Uddhav Tanpure,
Aged about 43 years, Occu. - Cultivator,
R/o. Kaulkhed, Tah. Lonar,
District Buldhana.

.... **PETITIONER**

// **VERSUS** //

- 1) The State of Maharashtra,
through its Secretary,
Department of Assistance and
Rehabilitation,
Mantralaya Mumbai-32.
- 2) The Divisional Commissioner,
Amravati Division, Amravati.
- 3) The Collector, Buldhana,
Tah. and District Buldhana.
- 4) The Special Land Acquisition Officer,
Minor Irrigation, Buldhana,
District Buldhana.
- 5) The Executive Engineer,
Minor Irrigation Division,
Tah. Risod, District Washim.

.... **RESPONDENTS**

Mr. K.S. Narwade, Advocate for the petitioner.
Mrs. N.P. Mehta, Assistant Government Pleader for the
respondent Nos.1 to 4.
Mr. Amit M. Kukday, Advocate for respondent No.5.

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

DATED : JANUARY 25, 2023

ORAL JUDGMENT : (Per A. S. Chandurkar, J.)

1. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.

2. The petitioner seeks interest on delayed payment of compensation that was granted towards rehabilitation of the persons affected by acquisition of their lands. The petitioner was the owner of land bearing Gat No. 79 that came to be acquired by the Vidarbha Irrigation Development Corporation. Award in that regard was passed on 30.03.2009. In the matter of enhancement of amount of compensation, the petitioner did not file any reference proceedings under Section 18 of the Land Acquisition Act, 1894. Instead as per the Government Resolution dated 15.12.1983 he claimed grant of rehabilitation amount. On 20.09.2010 the amount of rehabilitation compensation came to be determined. Various similarly situated land owners had approached this Court in Writ Petition No.5648 of 2015 (*Rambhau Rajaram Kodke (Dead) Through LR Lakshman S/o Rambhau Khodake and others Vs. The State of Maharashtra and others*) seeking interest on the amount of belated payment of compensation. By judgment dated 27.06.2017 this Court held the petitioners therein entitled to interest on the amount of rehabilitation compensation at the rate of 12% per annum from 20.09.2010 to

30.10.2014 to be paid within a period of two months. Insofar as the present petitioner is concerned, it is the stand of the Collector that since he was not a party in that Writ Petition, the amount of interest was not paid. This Court on 21.12.2022 *prima facie* found that case of the petitioner was covered by the decision in *Rambhau Rajaram Khodke* (supra).

3. On hearing the learned counsel for the parties, we find that the petitioner is similarly situated as the petitioners in the aforesaid Writ Petition and the only reason for not paying the amount of interest on the amount of rehabilitation compensation to the petitioner is that he was not a party to the earlier Writ Petition. That cannot be a legal reason to deny the claim of the petitioner.

4. Accordingly, for reasons assigned in the judgment dated 27.06.2017 in *Rambhau Rajaram Khodke* (supra), it is held that the petitioner is entitled to interest on the amount of rehabilitation compensation at the rate of 12% per annum from 20.09.2010 to 18.08.2018 when he received the amount of rehabilitation compensation. The aforesaid amount be paid to the petitioner within a period of three months from today.

5. Insofar as the grievance made by the petitioner that the deduction of Rs.1,62,861/- from the amount of compensation by the respondent No.4 is not justified, we find that liberty can be granted to the petitioner to make a representation to the respondent No.4 to indicate his entitlement to the aforesaid amount. If such representation is made, the respondent No.4 shall consider the same in accordance with law and take decision thereon within a period of four weeks on receiving such representation. Needless to state that if the grievance of the petitioner in that regard still subsists thereafter he is free to take legal recourse in that matter.

Rule is made absolute. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

Kirtak