



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 WRIT PETITION NO. 6395 OF 2024

SHIVAJI JAGANNATH WAGH

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

Mr. N. S. Shah, Advocate for the Petitioner
Mr. S. B. Pulkundwar, AGP for Respondents State
Mr. Girish S. Rane, Advocate for Respondent No.2

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRADE, JJ.

DATE : 20th July, 2024

ORDER:

1. The learned Advocate for the Petitioner is instructed to state that after he received the first installment and during the pendency of this Petition, he has now received the second installment. He raised an issue of interest to be paid on the compensation and submits that the compensation amount can be said to be insufficient since the interest component has not been added to the said amount.

2. The learned Advocate appearing on behalf of the Respondent Company relies upon Section 16 of the Telegraph Act and submits that the issue of interest on the compensation amount can be looked into by the authority under the said Act, subject to the entitlement of the claimant. He also relies upon the view taken by the learned Single Judge of this Court vide order dated 21.01.2019, delivered in a group of Writ Petitions (Writ Petition No. 14315 of 2018 and connected matters), wherein, it has been held in Paragraph Nos. 8 to 10 as under:

"8. In view of the above, these petitions are partly allowed. The impugned orders delivered by the Sub Divisional Officer, Aurangabad are quashed and set aside and the disputes raised by the respondents / farmers are remitted to the learned District Judge, Aurangabad.

9. The learned Principal District Judge would ensure that all these matters are allotted to the same District Judge in order to avoid conflicting views.

10. If any panchanama, as is prescribed by law, has been conducted by the appropriate authorities to assess the loss / damage caused to these farmers, the said panchanama would be considered by the learned District Judge, on their merits. So also the petitioner / Corporation shall pay the amounts as per the chart 'List of farmers' submitted by the petitioner / Corporation in each of these cases, as expeditiously as possible and in any case on/or before 20.2.2019, if not already paid. The issue of interest on the said amounts, if not already paid, would be considered by the learned District Judge, while deciding the claims of these farmers. Acceptance of the amounts, as are admitted by the Corporation and paid under the directions of this Court, shall be without prejudice to the rights of these farmers."

3. In view of the above, for the reasons set out in the reproduced paragraphs herein above, the Petitioner would also be at liberty to avail of the said benefit.

4. All contentions of the parties are kept open.

5. **The Writ Petition is disposed off.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)