



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

Writ Petition No.833/2024

Executive Engineer C(C), EHV CCCM Division, Amravati V Nirmala and others

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

Court's or Judge's orders

Mr. M.P. Rajkondawar, Advocate for petitioner.
Mr. N.R. Tekade, Advocate for respondent nos. 1 to 4.
Mr. Ganesh Barange, Advocate for Caveator/respondent nos. 1 to 4.
Mr. B.M. Lonare, AGP for respondent nos. 5 and 6.

CORAM : N.R. Borkar, J.

DATE : 06-12-2024.

This petition takes exception to the order dated 17-01-2024 passed by the learned Joint Civil Judge Senior Division Darwha in L.R. Dakhast No.8/2023.

ii. By the order impugned, the learned Executing Court has held that in terms of the order passed by the Hon'ble Supreme Court dated 31-12-2022, the respondents are entitled to additional amount of Rs. 1,43,18,209/- towards compensation and directed the petitioner to pay the said amount to them.

iii. I have heard the learned Counsel for the petitioner and the learned Counsel for the contesting respondents.

iv. The learned Counsel for the petitioner submits that the Executing Court while calculating the amount of compensation has awarded interest on interest. It is submitted

that the Executing Court discarded the calculation memo submitted by the petitioner and by Special Land Acquisition Officer for no valid reasons.

v. On the other hand, the learned Counsel for the respondent Nos.1 to 4 has supported the order impugned.

vi. I have perused the impugned order. No finding is recorded in relation to calculation memo submitted by the Special Land Acquisition Officer. In that view of the matter, the impugned order will have to be set aside and the matter will have to be remitted back to the Executing Court. The order impugned is accordingly set aside and the matter is remitted back to the Executing Court for deciding it afresh.

vii. The petitioner without prejudice to their rights shall deposit the amount of Rs.25 Lakhs with the Executing Court within a period of two weeks from today.

viii. The Executing Court shall permit the petitioner to file additional reply to the execution application.

ix. The Executing Court shall endeavour to pass the fresh order within a period of four weeks from the date of filing of the reply by the petitioner.

x. The Executing Court shall pass appropriate order in respect of amount of Rs.25 Lakhs, while deciding the matter afresh.

xi. The petition is disposed of in the aforesaid terms.

(N.R. Borkar, J.)