



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

WRIT PETITION NO.1041 OF 2024

Tarachand Sambhaji Bawankule, Post Hardoli, Tah. Bramhapuri, Dist. Chandrapur and ors.

-VS-

The State of Maharashtra, Thr. Collector, Chandrapur and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Smt Shilpa P. Giratkar (Giripunje), Advocate for petitioners.
Shri D. P. Thakare, Additional Government Pleader for respondent Nos.1 to 3.
Shri M. A. Kadu, Advocate for respondent No.5.

CORAM : NITIN W. SAMBRE AND MRS VRUSHALI V. JOSHI, JJ.

DATE : November 27, 2024

1. Heard.
2. The respondent No.4 has chosen not to release the amount of compensation in favour of the petitioners/land owners in view of alleged existence of interse dispute.
3. The Land Acquisition Act, 1894 contemplates in such an eventuality to deposit the amount with the Civil Court and in case if demand for withdrawal of amount is received, the same can also be referred to the Civil Court.
4. The Sub-Divisional Officer who is holding the charge of the post of Special Land Acquisition Officer has failed to do so inspite of the fact that the amount of compensation was deposited way back in 2013.
5. In the case at hand, for the first time the petitioners have approached the said Authority for withdrawal of amount on 15/11/2018 and subsequent thereto.

6. In this backdrop, we deem it appropriate to consider as to whether the interest payable to the land owners on the amount of compensation deposited can be recovered from the salary of the concerned Land Acquisition Officers for their failure to deposit the said amount with the Civil Court in view of alleged existence of dispute amongst the land owners.

7. Let response of respondent No.1-Collector, Chandrapur be placed on record within a period of three weeks by disclosing the defence of the Land Acquisition Officers who were manning the post of respondent No.4 in 2018 and onwards till this date.

8. Stand over to 19/12/2024.

(Mrs Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)