

Pdp

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7505 OF 2012

The Secretary, Shikshan Mandal
Karad

.. Petitioner

Versus

Surriya Balasaheb Shaikh & Ors.

.. Respondents

Mr. Rajul S. Kadam a/w Mr. Vedant Babar for petitioner.

Mr. Yatin R. Shah a/w Mr. Ravi Gurupag for respondent no.1.

Ms. Shraddha Pawar i/by Mr. Dilip Bodake for respondent
no.4.

Ms. G. R. Raghuwanshi, AGP for respondent nos.3 and 5.

Mr. Rahul D. Motkari a/w Ms. Manasi Pawar for respondent
no.6.

Digitally signed
by PRAVIN
DASHARATH
PANDIT
Date:
2025.07.24
19:17:15
+0530

CORAM: ALOK ARADHE, CJ.

DATE: 24th JULY, 2025

ORAL ORDER:

1. In this petition filed under Article 227 of the Constitution of India, the petitioner has assailed the validity of the order dated 27th June, 2012 passed by the Civil Judge, Senior Division, Karad, District – Satara.

2. Facts giving rise to filing of the instant writ petition, in nutshell, are that the lands bearing City Survey Nos. 154A and 154B, situated at Mangalwar Peth, Taluka – Karad, District – Satara were acquired under the provisions of the Land Acquisition Act, 1894 and award dated 22nd June, 2012 was passed. The owner of the land was held entitled to a sum of Rs.18,40,434/-. The petitioner, who was beneficiary of the

aforesaid acquisition was directed to pay a sum of Rs.55,234/-. The petitioner deposited the aforesaid amount on 11th October, 1996.

3. The respondent no.1 filed writ petition which was disposed of in terms of the minutes of the order, which reads as under: -

"1) Property in dispute bearing C.T.S. No. 154 A 802.7 sq.mtrs. out of 676.9 sq.mtrs. and property C.T.S. No. 154 B – 376.6 sq.mtrs. was subject matter of LAQ/52 KARAD and Compensation amount of Rs.18,40,434.00 was fixed by Respondent No.1. This amount is deposited by the Respondent No.4 on 11.10.1996 and an amount of Rs.55,234/- by way of charges of Award was also deposited in the State Bank of Treasury Branch at Karad. At the time of Land acquisition the Name of Original Owner Farida Haji Umar i.e. Respondent No.6 was there in C.T.S. Property Land and hence the Award has declared in her name. Ultimately it is revealed that the Petitioner Suraya Balasaheb Shaikh is entitled to the Compensation Amount. Respondent No.4 has no objection to that claim made by Applicant and as such the amount of Rs.18,40,434.00 and the interest thereon may be given to the Petitioner since 11.10.1997. On or before 31st January 2002.

2) ON 21.7.1997 the Asst. Director of Town Planning has taken the symbolical possession of the acquisition properly by putting up a lock. By this agreement between Petitioner and the Respondent No.4. The Petitioner will be getting due and proper value of the subject matter of dispute. As per the possession receipt executed by the Petitioner on 18.8.2001 actual possession of Saraiya Mill Compound had been handed over to the Respondent No.4, however, the machineries and other goods as per the list is still lying in the said Mill. The Petitioner undertakes to remove all those materials within the two months. And this fact is acknowledged by Respondent no.6 Farida Haji Umer.

3) The name of Mr. Dattoba Tukaram Patil is shown erroneously in property card. The name of his entry in

other rights column is fake and false and said Dattoba Tukaram Patil has no right, title and interest in the said Saraiya Mill Property.

4) The Respondent No.1 be directed to handover the Keys of the suit premises to Respondent No.4 since the above dispute has been amicably settled and thus the acquisition proceedings has consequently come to an end.

5) The entire proceedings and Land Acquisition case and the outcome is accepted by the Parties herein and therefore the amount mentioned in the Award and compensation may be given to the Petitioner and the present Writ Petition be disposed off with no order as to costs."

4. The respondent no.1, thereafter, filed execution proceedings on 28th December, 2009 in the Court of Civil Judge, Senior Division, Karad for recovery of Rs. 38,47,471/-. The petitioner filed an objection on 12th March, 2010 in the Special Darkhast No. 29 of 2009. The petitioner also filed a similar objection on 15th February, 2012 vide Exhibit 68. The Executing Court by an order dated 4th November, 2011 directed that warrant of attachment be issued for recovery of amount of Rs.7,03,965/- against the petitioner which is the amount of interest calculated at the rate of 9% per annum on the sum of Rs.18,40,434/- for the period from 11th October, 1997 to 31st January, 2002.

5. The trial Court in pursuance of the order dated 20th January 2012 passed in Writ Petition No. 10716 of 2011, *inter alia*, held that in terms of clause (1) of the minutes of order, the decree holder was entitled to interest which the petitioner had already paid on the sum of Rs.18,40,434/-. Hence, this petition.

6. I have heard the learned counsel for the parties at length and perused the record.

7. The petitioner had deposited the amount of Rs. 18,40,434/- with the Special Land Acquisition Officer on 11th October, 1996. Therefore, the petitioner cannot be made liable to pay any interest on the aforesaid amount after 11th October, 1996. However, the aforesaid aspect of the matter has not been appreciated by the trial court.

8. In the result, the impugned order is, therefore, quashed and set aside. However, in case the amount deposited by the petitioner has not been paid to the decree holder, he shall be at liberty to file an application seeking interest on the aforesaid amount against the Special Land Acquisition Officer, if so advised.

9. Accordingly, the writ petition is disposed of.

(CHIEF JUSTICE)