

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.62 OF 2025

Dehubai Ramchandra Keni (deceased),
through her Legal Heirs and Representatives

1. Lahu Ramchandra Keni and others

Petitioners

versus

The State of Maharashtra and others

Respondents

Ms. Deepa S. Punde i/by Mr. Sachin S. Punde for Petitioners.

Ms. D. S. Deshmukh, AGP for Respondents 1 to 3.

Mr. Ashutosh M. Kulkarni for Respondent nos. 4 and 5.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 16th December 2025

P.C.

1. This Writ Petition under Article 226 of the Constitution of India has been filed praying for the following substantive reliefs :

A) This Honourable High Court be pleased to issue a writ of Mandamus or any other appropriate Writ, Direction and/or Order in the nature of Writ calling for the records and documents pertaining to Awards annexed at Exhibit-B from the Respondents and after perusal and examination thereof;

B) This Honourable High Court be pleased to issue Writ of Mandamus or any other appropriate Writ, Direction and/or Order in the nature of Writ directing the Respondents to deposit the decretal amount along with interest due and payable under Land Acquisition Act, 1894, with all consequential benefits (which amounts are more particularly described in Chart annexed at Exhibit-A and as per the Judgment and Award annexed as Exhibit-B hereto) into the Reference Court within two weeks from the date of Order in the present Writ Petition, so as to avoid payment of further interest of 15% per annum on the decretal amount;

C) This Honourable High Court be pleased to issue Writ of Mandamus or any other appropriate Writ, Direction and/or Order in nature of Writ directing Respondents to disclose the names of the Officers by filing the Affidavit before this Hon'ble Court who are responsible for not depositing

the said Decretal Amount which caused burden of payment of 15% interest per annum;

D) This Honourable High Court be pleased to issue Writ of Mandamus or any other appropriate Writ, Direction and/or Order in nature of Writ directing Respondents to disclose the amounts which are liable to be deposited as per the Judgment and Award passed by the Reference Court by filing the affidavit before this Hon'ble Court;

E) This Honourable High Court be pleased to issue Writ of Mandamus or any other appropriate Writ, Direction and/or Order in nature of Writ directing Respondents to take action under the provision of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 against the officers who are responsible for the act of negligence in not depositing the subject amount as per the Judgment and Decree passed by the Reference Court;

F) That pending the hearing and final disposal of the present writ petition on its merits this Honourable High Court be pleased to grant interim relief by directing Respondents to forthwith deposit the Decretal Amount into the Reference Court within two weeks from the date of the Order as more particularly described in the chart at Exhibit-A to avoid further interest of 15% per annum on the said Decretal amount;

G) That interim and ad-interim order be passed in terms of prayer clause (F) be granted."

2. As seen from the aforesaid prayers the Petitioners seek the deposit of the decretal amount with interest due and payable under the Land Acquisition Act 1894 as per the judgment and award dated 22nd June 2017. The Petitioners contend that they are persons interested being owners of the agricultural land situated at Vadhghar Village, Taluka Panvel, District Raigad. On 24th September 1986 the Respondents acquired the Petitioner's land for Navi Mumbai Project by notification dated 24th September 1986. On 25th August 1989 the Special Land Acquisition Officer declared an award under Section 11 of the Land Acquisition Act, 1894 in respect of the acquired land of the Petitioners in Raigad District for the Navi Mumbai Project. On 8th November 2016 the Petitioners preferred references under Section 28(A)(3) of the Land Acquisition Act, 1894 before the Civil Judge, Senior Division at Alibag. The aforesaid reference came to be decreed by judgment and award dated 22nd June 2017 by directing the Respondents to pay to the Petitioners the decretal amount for taking possession of the said land along with 9% interest on the decretal amount for the first year, and thereafter interest at

the rate of 15% till its realization. It is the Petitioners' grievance that till date the decretal amount has not been paid to the Petitioners by the Respondents which has caused grave prejudice to the Petitioners.

3. We have heard learned counsels for the parties. We have also perused the record. Considering the limited reliefs sought by the Petitioners, we deem it appropriate to pass the following orders-

Order

- i) Respondent No. 1-State to submit a fresh proposal to Respondent Nos. 4 and 5 within four weeks from the date of this order to disburse the decretal amount to the Petitioners along with the interest.
- ii) Respondent Nos. 4 and 5 are directed to deposit the decretal amount with interest due and payable under the Land Acquisition Act, 1894 with all consequential benefits with Respondent No. 3 within 4 weeks of receipt of the proposal to be submitted by Respondent No.1.
- iii) Respondent No. 3 shall thereafter to deposit such amount with the Reference Court within 2 weeks with intimation to the Petitioners within 1 week of such deposit.
- iv) The Petitioners are at liberty to make an application to withdraw the amount deposited. If any such application is made, the Reference Court shall dispose of the said application within 4 weeks from the date of the Petitioners application permitting withdrawal of the award amount as per law.
- v) Writ Petition stands disposed of in the aforesaid terms. No costs.
- vi) Parties to act on authenticated copy this order.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)