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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4356 OF 2025

Ramesh Shivram Kadu and Others ...Petitioners

Versus

The State of Maharashtra and Others ...Respondents

Ms. Deepa S. Punde i/b Mr. Sachin S. Punde, for Petitioners.
Mr R.S. Pawar, AGP for State.
Mr Rohit Sakhadeo, for Respondent Nos. 4 and 5.

CORAM: M.S. Sonak &
Jitendra Jain, JJ.

DATED: 02 May 2025

PC:- (Per M.S. Sonak, J.)

1. Heard the learned counsel for the parties.
2. Rule. The rule is made returnable immediately at the request and with the consent of the learned counsel for the parties.
3. In terms of the Award dated 31 March 2023 in LAR No. 458 of 2016, the petitioners are required to be paid compensation of Rs. 72,94,040.86/—together with interest and other benefits.

4. The Petitioners have already filed an appropriate application seeking execution, which is pending before the Reference Court. However, an Execution Application has already been filed in 2023. However, the learned Counsel for the Petitioners submits that there is no progress in the execution proceedings because the CIDCO and the State Authorities are not cooperative at all. She states that CIDCO officials are not even present at the execution proceedings.

5. Ms. Punde points out that, in similar circumstances, a coordinate Division Bench of this Court comprising R.D. Dhanuka (as His Lordship then was) and S.M. Modak, J., by judgment and order dated 24 March 2022, disposed of W.P. No. 2085 of 2021. By this judgment and order, directions were issued to the Respondents to ensure that the entire compensation amount, along with all consequential benefits, is paid to the Petitioners without giving the usual excuses that no money was available or that certain bureaucratic procedures were required to be followed.

6. Accordingly, we directed the Respondents to file affidavits in this matter. Mr. Sanjay Jadhav has filed an affidavit on behalf of CIDCO. The affidavit assures that the compensation will be paid no sooner than proposals are received from the Special Land Acquisition Officer (SLAO).

7. Mr. Sakhadeo, learned counsel for the CIDCO, stands by the affidavit, which is entirely non-committal. It is apparent that the CIDCO is engaging in red tape and denying compensation to the petitioners, even though it is due. A formal statement regarding when the compensation amount will be paid is not forthcoming on behalf of CIDCO. This is

most unfortunate because Mr. Pawar, the learned AGP, states that the proposal has already been sent to CIDCO and is pending with CIDCO.

8. Mr. Pawar learned that AGP could not produce any document regarding forwarding the proposal to CIDCO. We record that the Counsels for the State as well as CIDCO appeared to be in difficulty because the parties whom they represent, have not given them any clear instructions on the status of the proposal, unless perhaps, the instructions were to try and delay the matter as long as possible and deprive the Petitioners of the compensation which is due and payable to them from 2016 onwards. We do sincerely hope that the latter is not the case.

9. Mr. Punde hinted that the payment of compensation is being unduly delayed due to red tape, bureaucratic holdups, or other extraneous considerations. Since no dispute was raised regarding the petitioner's entitlement and the issue is internal to CIDCO and the SLAO, we cannot entirely dismiss Mr. Punde's submission. There are several cases where compensation payment is delayed for reasons that may not be apparent, or for certain other reasons that need not be stated in this order. Relief was granted by the Coordinate Bench in WP No. 2085 of 2021 in similar circumstances.

10. In the case of **Kolkata Municipal Corporation & Anr. Vs Bimal Kumar Shah & Ors**¹, the Hon'ble Supreme Court has made it clear that expeditious conclusion of the acquisition proceedings, which would include payment of compensation, is one of the facets of fair procedure, contemplated by Article

¹ (2024) 10 SCC 533

300A of the Constitution. By unreasonably delaying the payment of compensation without any cause or in any event without any good reason, both the CIDCO and the State Government are violating this principle.

11. Therefore, we dispose of this Petition by directing the Managing Director of CIDCO to coordinate with the Revenue Secretary, State of Maharashtra, within a maximum period of 15 days from the uploading of this order. Based on this coordination, the entire compensation amount, together with interest and other consequential benefits, must be paid to the Petitioners by 30 June 2025. A compliance report must be filed by the Managing Director and the Revenue Secretary regarding such payment by 4 July 2025, with an advance copy to the learned Counsel for the Petitioners.

12. The above direction is issued because none of the Respondents has disputed their liability to pay to the Petitioners. The CIDCO's affidavit attempts to shift responsibility to the State or the SLAO, while the SLAO remains non-committal. Mr. Pawar states that unless the CIDCO makes a deposit, the SLAO cannot act. Thus, in this friendly crossfire between CIDCO and the State Government, the Petitioners, who lost their lands several years ago, continue to suffer due to a lack of compensation. This cannot be allowed to continue. Neither the State nor CIDCO can take undue advantage of the pendency of thousands of execution petitions in the Courts and delay compensation payment even when the liability is not disputed. Considering the precedent in WP No. 2085 of 2021, a case is made out to exercise the extraordinary jurisdiction.

13. The petitioners have also prayed that action should be taken against the officials under the provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005. We grant the Petitioners express liberty to apply to the concerned authorities for such action. If such an application is made, it should be disposed of within three months of its making after affording the concerned officials and the applicant full opportunity. If the Petitioners or the officials are aggrieved by the decision in this regard, they will have the liberty to challenge the same under law. But it is high time that the provisions of this Act are activated to curb the inordinate delays, particularly for extraneous reasons and not simple lack of efficiency.

14. If no compensation and non-consequential benefits are paid to the Petitioners by 30 June 2025, the Officers responsible should be held personally liable for the payment of interest. Due to the delay and inaction on the part of the officers, the public exchequer cannot bear the interest component. Unless such orders are issued, the Officials will continue to handle such matters with utmost casualness and postpone the payment of compensation even in genuine cases.

15. We are confronted with several instances where the officials hurriedly disburse compensation, even by disregarding legal provisions, especially when apportionment disputes arise, and the officials are expected to refer such disputes to the Court or the prescribed authorities. However, there is undue and unexplained delay even in matters where there are no disputes and the liabilities are admitted. This

appears to be one such case, and therefore, we have directed the Managing Director of CIDCO and the Revenue Secretary to personally look into this matter and ensure that their officials complete the necessary paperwork and that the compensation amount is paid to the Petitioners by 30 June 2025 at the latest.

16. The compensation amount must be deposited in this Court latest by 30 June 2025. Once the amount is deposited, the Petitioners are permitted to withdraw it. This means that the Petitioners will provide their bank details to the Registry, and the Registry will transfer the amount directly to their bank accounts. We also rely on the reasoning in the judgment and order of our co-ordinate Bench disposing of WP No. 2085 of 2021 and similar matters that the Petitioners have placed on record along with this Petition.

17. The Petition is disposed of in the above terms. However, if no compliance report is filed by the date indicated, the Registry will place this matter on the Board so that this Court can decide on further action.

18. Mr Sakhadeo and Mr Pawar are requested to immediately place an authenticated copy of this order before the Managing Director of CIDCO and the Revenue Secretary so that urgent action is taken in this matter. It is not uncommon for high-ranking officials to claim ignorance of the proceedings after contempt Petitions are filed on the grounds that their officer did not apprise them of the Court order. Mr Sakhadeo requests that instead of the Managing Director, the Head of the Department, i.e. the Officer who has filed the affidavit, may be directed to file the compliance report.

19. Considering the affidavit of the Department head, we think it would be better if the Managing Director looked into this matter personally, assumed responsibility, and filed the compliance report.

20. The Petition is disposed of in the above terms. All concerned must act on an authenticated copy of this order.

(Jitendra Jain, J)

(M.S. Sonak, J)