



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13069 OF 2025

Hemraj Kasar

...Petitioner

Versus

The Competent Authority and Sub-divisional officer

Vasai & Ors.

...Respondents

Mr. Anil D'souza a/w. Mr. Yogesh Rawool, Mr. Shailesh Redekar, Mr. Nitin Bhoir,
Ernest Tiscano and Mark D'Britto i/b. Mr. Shailesh Redekar for the petitioners.
Mr. Y.D.Patil, AGP for the State.

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

DATE: 19 November 2025

P.C.

1. Not on board. Taken on board.
2. We have heard learned counsel for the parties.
3. This petition under Article 226 of the Constitution is filed praying for the following reliefs:

“a) That the Hon'ble Court may be pleased to issue the Writ of Mandamus or any other appropriate Writ/order/direction, directing the respondents to forthwith make payment of said 10% royalty amount of Rs.10,84,464/- as per award dated 14 January, 2020 and Rs.1,22,706/- as per award dated 12 October, 2021 multiplied by 2 (Multiplication factor) plus interest @ 12% on the said amount from the date of 3A notification, i.e., 06/03/2017 till date of Award under section 3G i.e., 14.01.2020 as per provisions under section 30(3) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 along with the interest thereon @9% p.a. from the date of the award under section 3G i.e. 14.01.2020 till the making of actual payment of the deducted amount.”

4. It is not in dispute that the petitioners' land was subject matter of acquisition, in respect of which, an award dated 14 January, 2020 and an additional award dated 12 October, 2021 was passed. The petitioners have been paid compensation, however, 10% of the compensation payable to the petitioners, in regard to which the aforesaid prayer is made, has been withheld on the basis of Government Resolution dated 15 July, 2010.

5. The case of the petitioners is that the Competent Authority has no jurisdiction to retain such amount inasmuch as the Government Resolution dated 15 July, 2010 was subject matter of challenge before this Court in the case of **Diksha Dilip Pawar & Ors. vs. Competent Authority and Sub-Divisional Officer & Ors.**¹. In such decision, the said Government Resolution was quashed and set aside. It is his submission that in this view of the matter, there is no warrant for the Competent Authority to retain the amount, which is legitimately entitled to the petitioners.

6. We find that similar causes have reached this Court. We have perused the decision of this Court in **Diksha Dilip Pawar** (supra). We have also perused the orders which were passed by a co-ordinate Bench of this Court wherein similar issues had come up and more particularly a recent order passed by co-ordinate Bench of this Court on a batch of petitions in **Suman Govind Kude & Ors. vs. Competent Authority and Sub-Divisional Officer & Anr.**² wherein considering such clear position in law, that there is no power with the Competent Authority to

1 2022(4) Mh. L.J. 687

2 2025 SCC OnLine Bom 702

retain such amount, directions were issued to release the said amount in terms of paragraph 16 of the said order, which reads thus:

“16. If the amounts are not paid within the time now indicated or if no compliance report is filed confirming the payments by 10th June 2025, the first Respondent is directed to pay additional interest of 3% p.a. over and above the interest of 9% p.a. now directed by us. This extra amount will have to be paid to the petitioners initially through the State funds. Still, after that, the State must recover this additional amount from the first Respondent or the officials responsible for the delay because, for inaction, delay or indolence of the Government Officials, it is high time that the State Exchequer or the tax payer should not be burdened.”

7. It is not in dispute that the petitioners are similarly placed. We are accordingly inclined to dispose of this petition in terms of similar directions as contained in **Suman Govind Kude & Ors.**(supra).

8. Let the amounts be released to the petitioners along with the interest within a period of three weeks from the date a copy of this order is presented before the said officer. Learned AGP to communicate this order to the Competent Authority.

9. Disposed of in the above terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)