



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

WRIT PETITION NO. 3700 OF 2024

(Shri Ramesh s/o Chindusa Gulwatle Vs. State of Maharashtra and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.S. Shingane, Advocate for petitioner.

Mr. S.M. Ukey, Addl.GP for respondent Nos. 1 to 4/State.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATED : 23-01-2025

The passing of an Award by the Special Land Acquisition Officer, dated 26.5.2011, in Land Acquisition Case No. 26/47/2007-08, of village Peth Amravati, Tahsil and District Amravati in respect of acquisition of the land admeasuring 1.87 HR, out of Gut No. 153/2, is not disputed. The sum on account of this is an amount of Rs. 19,92,745/-. This Award has not been questioned by the State or the acquiring body. It is the petitioner, who had approached the reference court u/s 18 of the Land Acquisition Act by way of LAR No. 33/2013 which came to be decided on 9.12.2022, in which, the compensation payable to the petitioner was enhanced to Rs. 61,67,525/-, after deducting the amount of compensation which had already been paid in this regard. The reference Court also directed payment of solatium of 30% and additional component @ 12% per annum from the date of Section 4 notification and interest @ 9% for the first year for the enhanced compensation and thereafter @ 15% per annum till realization. The Municipal Corporation, Amravati, for whom the land was acquired as well as the petitioner has already approached this Court by way of First Appeals which are pending.

2. This would indicate, that there is no challenge to the entitlement of the petitioner to the amount awarded as compensation by the LAO under its award dated 26.5.2011. Learned AGP submits that this amount of Rs. 19,92,745/- can be received by the petitioner from the Land Acquisition Officer Amravati forthwith as soon as he presents himself. We therefore, direct respondent No. 3, to make payment of this amount to the petitioner on the day he present himself for receiving the same.

3. Insofar as the interest on this amount is concerned, the petitioner is also entitled to interest at the rate awarded in the Award till the date of payment, which shall also be calculated by the respondent No. 3, who shall thereupon, make suitable arrangements, to make payment of the same to the petitioner within 30 days from today. We make it clear that in case, the aforesaid amounts are not paid to the petitioner within the above time frame, the court shall be constrained to issue directions for an enquiry against the person, who is responsible for non-payment and recovery of the amount personally from such person.

4. It is however, necessary to note that this entire amount of the Award as well as interest which would be paid to the petitioner shall be deductible from amount awarded by the reference court in its judgment dated 9.12.2022 or any other order which may be passed by this court in First Appeals. The petition stands disposed of in above terms. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

Belkhede