

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3405 OF 2024

Prakash S. Nagap and Others. ...Petitioners.

Versus

The State of Maharashtra and Others. ...Respondents.

Mr. Ajit N. Jakhadi and Mr. Amol Anant Chile for the Petitioner.

Ms. T. J. Kapre, AGP for the Respondent-State.

Coram : Nitin B. Suryawanshi &
Ajit B. Kadethankar, JJ.

Date : February 26, 2026.

P. C. :

1. By this petition, Petitioner has prayed for direction to the Respondent Nos.1 to 6 to pay the fair and adequate amount of compensation along with interest thereon under the provisions of the Land Acquisition Act, 1894, from the date of taking possession till it is actually paid to the Petitioner, within a time bound period in respect of Petitioners' land, 3 residential units, one cow-shed and grown-up trees situated at villages Nagapwadi and Akhavane, taluka Vaibhavwadi, District Sindhudurg.

2. Heard learned Counsel for the Petitioners and learned AGP for the Respondent-State. Perused the reply filed by the Respondents.

3. Respondents in their affidavit-in-reply have made following averments in paragraph Nos. 5 to 8 and 12:

5. I say that compensation funds were received in 2018. Section 12(2) notices were issued, and possession was handed over- Nagapwadi on 11.09.2018, Akhawane on 19.11.2018. I say that Petitioners received compensation under Section 12(2) notices without any protest.

6. I say that the Petitioner No.1 - Prakash through Notice No.145 Received compensation Rs.86,375 on 12.10.2023 without protest and without interest demand at that time. I say that the Petitioner No. 2 Vilas through Notice No. 435 received Rs.86,375 on 08.04.2021 without protest, and without interest demand at that time. I say that the Petitioner has raised interest claim only after 2 years 9 months. I say that the Petitioner No. 3 - Suresh through Notice No. 750 received Rs.1,26,845 on 08.09.2021 without protest, and without interest demand at that time. I say that the Petitioner has raised interest after 2 years 4 months. I further say that the Petitioner No. 4 owns no acquired property; hence no Section 12(2) notice was issued.

7. I say that the compensation accepted without protest disentitles claimants from subsequently claiming interest. I say that the Petitioner Nos.1 to 3 have never claimed interest till today with this office but directly approached with Hon. High Court for delayed demand of interest.

8. I say that the Petitioners remained silent for years after receiving compensation. This Hon'ble Court and the Hon'ble Supreme Court have consistently held that: "*Delay defeats equity.*" *Stale interest claims cannot be entertained*" Hence, the belated interest claim deserves outright rejection.

12. I say that despite of new notices none of the legal heirs of Sambhaji has received it. Annexed herewith at "Exhibit R-2" is a copy of Talathi Report.

I say that these amounts are ready for immediate payment once petitioners accept the notices and do necessary compliance."

4. Learned Advocate for the Petitioners submit that Petitioners will appear before the Respondent no.4 on 10th March 2026 and receive the notices, thereafter within two weeks, they will make necessary compliance and then appear before Respondent No. 4 on 24th March 2026. If the

compliance is satisfactory, Respondent No. 4 shall release the payments to the Petitioners immediately.

5. With the above observations, writ petition is disposed of.

[Ajit B. Kadethankar, J.]

[Nitin B. Suryawanshi, J.]