



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

WRIT PETITION NO. 1041 OF 2024

1. Tarachand Sambhaji Bawankule,
Aged about 60 years,
Occupation : Agriculturist,
2. Narayan Fukuji Kamdi,
Aged about 76 years,
Occupation : Agriculturist,
3. Kewalram Kisanji Thengri,
Aged about 66 years,
Occupation : Agriculturist,
4. Vijay Gurumukhdas Nagdive,
Aged about 42 years,
Occupation : Agriculturist,
5. Gangadhar Chintaman Bagmare,
Aged about 52 years,
Occupation : Agriculturist,
6. Dharma Antaram Bagmare,
Aged about 70 years,
Occupation : Agriculturist,
7. Murari Tulshiram Raut,
Aged about 68 years,
Occupation : Agriculturist,
8. Sanjay Wasudeo Kamdi,
Aged about 52 years,
Occupation : Agriculturist,

All R/o. Surbodi, Post Hardoli,
Tah.Bramhapuri, Dist.Chandrapur.

.....PETITIONERS.

-VERSUS-

1. The State of Maharashtra,
Through the Collector, Chandrapur,

District Chandrapur.

2. Sub-Divisional Officer / Special Land Acquisition Officer, Gondpipri, Tah. Gondpipri, Dist.Chandrapur.
3. Sub-Divisional Officer / Special Land Acquisition Officer, , Bramhapuri, Tah.Bramhapuri, Dist.Chandrapur.
4. Special Land Acquisition Officer, Thermal Power Station No.3, Chandrapur, Dist.Chandrapur.
5. The Executive Engineer, Ghodazari Canal Nagbhid Division, Gosikhurd Colony 9 Chandrapur Road at post Nagbhid, Dist.Chandrapur.

Mrs.S.P.Giratkar, Adv. for the petitioner.
Mr.D.V.Chauhan, GP with Mr.P.P.Pendke, AGP for the respondents-State.
Mr.M.A.Kadu, Adv.for the respondent No.5.

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

DATE : 30TH JANUARY, 2025

ORAL JUDGMENT (PER: Avinash G. Gharote, J.)

Heard.

2. Rule. Rule returnable forthwith. The petition is heard finally with the consent of the learned counsel for the parties.

3. In the instant matter, a grievance is raised regarding the non-payment of amount of compensation in terms of the award dated 05/07/2013. It is an admitted position, that the petitioners under the award were entitled to compensation, which has not been paid to them. Same reasons have been advanced by the respondents for non-payment including reasons attributable to the petitioners. However, consequent to the passing of the orders in this petition, the amount of compensation payable to the petitioners to the extent of Rs.8,10,704/- has been deposited in the Reference Court on 26/12/2024. The petitioners, except the petitioner No.4, who has been held not to be entitled to any compensation, and except for the petitioner Nos.1, 3 and 6, who have already received the amount of compensation, therefore, would be entitled to approach the Reference Court and file an application for withdrawal of the amount, which shall be granted within a period of one week from the date of its filing, as the entitlement of these petitioners, to receive the aforesaid amount is not disputed. However, what remains, to be considered is a claim of interest upon the amount awarded for its non-payment till date.

4. Mr.Chauhan, learned GP appearing for the respondents-State, upon instructions, makes a statement, that the cheque for the interest amount, which has been calculated at Rs.16,69,192/- shall be deposited with the Reference Court by 07/02/2025. Upon its encashment, this amount shall also be disbursed to the petitioners, except the petitioner No.4 in proportion

to the amount receivable by them under the award, which shall be done within a period of one week thereafter.

5. We are however concerned with the fact, that in a number of cases, in spite of the statutory mandate of Section 31(2) of the Land Acquisition Act, the amount of compensation is not deposited by the Land Acquisition Officer with the Reference Court, within a reasonable time, from the date of possession, or the date of the award, whichever is later, resulting in interest being liable to be paid on such amounts. At times, the interest on account of such non-payment, spirals to an amount, which is multiple times the award itself, which in fact is a loss to the Public Exchequer, as that amount can be better utilized for something else. As recorded in the order dated 22/01/2022, the Collector, Chandrapur has already issued instructions, for deposit of the amount with the Reference Court without delay. That however, does not address the situation, we, therefore, deem it appropriate to pass the following directions.

- (i) In all cases where possession has been taken before the passing of the award, the amount of compensation, in case it is not received by the claimants within a period of three months from the date of the award, for any reason whatsoever, the same shall be then deposited by the Land Acquisition Officer with the Reference Court within the next 15 days, i.e. within a period of 45 days from the date of the award.
- (ii) In all cases where the award has been passed, then irrespective

whether there is a dispute raised regarding the entitlement and apportionment, the Land Acquisition Officer shall within a period of 45 days of the award under Section 18 or 30 of the Land Acquisition Act shall ensure deposit of the amount of compensation with the Reference Court.

- (iii) It has also been pointed out by Mr.Chauhan, learned GP for the respondents, that there have been instances, where the Reference Court have declined to entertain applications for deposit of the amount of compensation in the Reference Court or have kept such applications pending where they have been received. One such example is in respect of 31 such applications pending before the Civil Judge, Senior Division, Chandrapur for orders from 16/03/2023. We, therefore, direct all the Reference Courts, upon receipt of an application of deposit of the compensation amount from the Land Acquisition Officer to decide the same within a period of one week from the date of such receipt and to also ensure, that the deposit is then converted into a fixed deposit carrying interest, within a week thereafter. This should be done in respect of all deposits made with the Reference Court by the Land Acquisition Officer, irrespective of the fact whether a reference under Section 18 of the Land Acquisition Act is pending before him or not. The District Judge, in all such cases, shall ensure timely audit of all such applications received for deposit of the compensation in the Reference Court and whether orders have been passed in accordance with these directions.
- (iv) We direct, that in case of any default by the Land Acquisition Officer concerned in doing so, he would make himself liable for payment of interest for the duration, that deposit is not so made,

which shall then have to be deducted from his salary and pay to the person entitled.

- (v) We also make it clear, that the aforesaid responsibility and liability of the Land Acquisition Officer would ensue only upon receipt of the compensation from the acquiring body, which the acquiring body, would be liable to deposit with the Land Acquisition Officer within a period of 15 days from the date of passing of the award, if already not so deposited.

6. A copy of this judgment be circulated to all the learned Principal District Judges, Collectors, Land Acquisition Officers in the State of Maharashtra, who in turn would bring it to the knowledge of the Acquiring Body for compliance.

7. The petition stands disposed of accordingly.

8. Rule is made absolute in the above terms. No costs.

(ABHAY J. MANTRI, J)

(AVINASH G. GHAROTE, J)