

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 367 OF 2015

1. Anandrao s/o Ganpatrao Jagdambe
age 58 years, occ. Agril.
2. Maroti s/o Gunaji Sunkewad
age 63 years, occ. Agril.
3. Pandhari s/o Venkati Sunkewad
age 21 years, occ. Agril.
4. Amarjeet s/o Shivaji Kuntewad
age minor under guardian
Anjanabai Shivaji Kuntewad
age 35 years, occ. Household
5. Nagarbai w/o Lacheppa Kuntewad
age 70 years, occ. Household
6. Shivaji s/o Lacheppa Kuntewad
age 44 years, occ. Agril.
7. Ramrao s/o Maroti Jagdambe
age 85 years, occ. Agril.

All r/o Pimpalgaon, Tq. Dharmabad,
Dist. Nanded.

.. PETITIONERS

VERSUS

1. The State of Maharashtra
Through its Secretary
Irrigation Development Department
Mantralaya, Mumbai.
2. The District Collector,
Nanded.
3. The Deputy Collector
(Land Acquisition) Nanded
Dist. Nanded.
4. The Executive Engineer,
Upper Penganga Project
Division No. 6, Nanded
Tq. & Dist. Nanded.

.. RESPONDENTS

Mr. P.M. Gaikwad, advocate holding for Mr. G.G. Suryawanshi, advocate for petitioners.

Mrs. A.V. Gondhalekar, AGP for the State.

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CORAM : R.M. BORDE &

V. K. JADHAV JJ.

DATE : 26th MARCH, 2015.

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Heard.

2. Rule. Rule made returnable forthwith. With the consent of the parties, petition is taken up for final disposal at admission stage.

3. Agricultural land belonging to petitioners came to be acquired for Upper Penganga Project, Division No. 6, Nanded. Proceedings for acquisition of land were initiated with issuance of section 4 notification on 07.06.2013. The Land Acquisition Officer, after completing the formalities, declared award on 04.03.2014. Learned counsel appearing for petitioners contends that after enforcement of Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the determination of amount of compensation shall have to be in accordance with the Act of 2013. The Act of 2013 became operational from 01.01.2014 and as such, it was impermissible for the Land Acquisition Officer to pass award under the provisions of the Act of 1894. Section 24(i) (a) of the Act provides that where no award under section 11 of the Land Acquisition Act has been made, all proceedings of the Act of 2013 relating to determination of compensation shall apply.

4. In the instant matter, admittedly, award has been passed after enforcement of the Act of 2013 and determination of amount of compensation by Land Acquisition Officer is admittedly in accordance with the Act of 1894. In this view of the matter, the award passed by the Land Acquisition Officer needs to be quashed and set aside and, it is accordingly quashed and set aside so far as petitioners before us are concerned and, it is directed to the Land Acquisition Officer / respondents herein to determine the amount of compensation payable to petitioners in respect of acquired land in accordance with the provisions contained in the Act of 2013. Award shall be passed in observance of the procedure prescribed in the Act of 2013, as expeditiously as possible, preferably within a period of one year from today. Rule is accordingly made absolute. In the facts and circumstances of the case, there shall be no order as to costs.

(V.K. JADHAV)
JUDGE

(R. M. BORDE)
JUDGE

dyb