

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

**WRIT PETITION NO. 4781 OF 1997
WITH
CA/13572/2012 IN WP/4781/1997**

SADASHIV SHANKARRAO HIWARALE DIED THROUGH LRS.
AND OTHERS
VERSUS
THE STATE OF MAH. & OTHERS.

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Advocate for Petitioner : S S Choudhary
AGP for Respondents: Mr. S.R. Palnitkar

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**CORAM : A.V. NIRGUDE & V.K. JADHAV, JJ.
Dated: February 26, 2015**

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PER COURT :-

1. The petitioners are challenging the Land Acquisition Award of the year 1985. It is their case that, at the time notification under section 4 of the Land Acquisition Act was issued, he was not at home. He was in jail and behind his back the acquisition took place. On the other hand, the Land Acquisition Officer has clearly mentioned that, notice under section 4 was properly served on the petitioner by pasting the same on his door. He further states that, notification notification under section 6 was published in Newspaper. Sufficient opportunity was given to the affected persons for filing claims etc. Thereafter award was finalized and was declared on 21.5.1985. Thereafter, in 1989 for the first time the petitioner took objection to the award by

filing a suit. Suit remained pending for sometime, but was ultimately dismissed. We see no reason to entertain this petition. The Land Acquisition Proceeding apparently proceeded as per law. The petitioner could have approached the Special Land Acquisition Officer for enhancement of compensation etc. Since it was not done at the relevant time, the petitioner cannot succeed in this Writ Petition. Writ petition is dismissed.

2. Pending civil application stands disposed of.

(V.K. JADHAV, J.)

(A.V. NIRGUDE, J.)

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aaa/-