

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

WRIT PETITION NO. 2006 OF 2015

1. Ratan s/o Udaji Jagdambe
age 50 years, occ. Agri.
2. Digambar s/o Udaji Jagdambe
age 45 years, occ. Agri.

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. G.G. Suryawanshi, advocate for petitioners.
Mr. N.B. Patil, AGP for the State.
Mr. B.r. Surwase, advocate for respondent no. 4.

WITH

WRIT PETITION NO. 2033 OF 2015

Sakharam s/o Udaji Jagdambe
age 65 years, occf. Agri.
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. G.G. Suryawanshi, advocate for petitioners.

Mr. N.B. Patil, AGP for the State.

Mr. B.r. Surwase, advocate for respondent no. 4.

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CORAM : R.M. BORDE &

P. R. BORA, JJ.

DATE : 9th JULY, 2015

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

1. Heard.
2. Rule. Rule made returnable forthwith. With the consent of the parties, petitions are taken up for final disposal at admission stage.
3. Petitioners are challenging award passed by the Deputy Collector, Land Acquisition, Nanded on 04.03.2015. The land belonging to petitioners is taken in possession for construction of Isapur Ujawa Kalwa. Petitioners contend that proceedings for acquisition of land were initiated with issuance of section 4 notification on 27.12.2012 and, after observing the procedure prescribed under Land Acquisition Act, 1894, award has been declared on 04.03.2014 determining the amount of compensation. Petitioners contend that new enactment i.e. Right to Fair Compensation and Transparency in

Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been enforced since 01.01.2014 and as such, it was incumbent upon the Deputy Collector, Land Acquisition, to declare award in observance of the procedure prescribed under Act of 2013.

4. Section 24(i)(a) of the Act of 2013 provides that where no award under section 11 of the Land Acquisition Act, 1894, has been made, all proceeding of the Act of 2013 relating to determination of compensation shall apply. In the instant matter it is not disputed that on the date of enforcement of the Act of 2013, the proceedings were pending and the final award was not declared. In this view of the matter, it was necessary for the Deputy Collector, Land Acquisition, Nanded, to determine the amount of compensation in accordance with the Act of 2013. This position is not controverted by the State Government, on the contrary, it is admitted in paragraph no. 3 of the affidavit-in-reply that the award has been declared by the Deputy Collector, Land Acquisition, Nanded, on 04.03.2014 as per the provisions of section 11 of the Land Acquisition Act, 1894.

5. In this view of the matter, writ petitions deserve to be allowed. Award passed by the Deputy Collector, Land Acquisition, Nanded, is quashed. Respondents 2 and 3 are directed to determine the amount of compensation in accordance with the provisions of Act of 2013 and, declare award as expeditiously as possible, preferably within a period of six months from today. On determination of amount of compensation, acquiring body i.e. respondent no. 4 shall pay the amount of compensation as expeditiously as

possible, preferably within a period of four months from such date. Rule made absolute accordingly. In the facts and circumstances of the case, there shall be no order as to costs.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE

dyb