

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

WRIT PETITION NO.4166 OF 2015

Balaji s/o Arjun Bobade & ors. ... PETITIONERS

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

.....
Shri A.H. Korhalkar, Advocate for petitioners
Mrs. A.V. Gondhalekar, A.G.P. for respondents
.....

CORAM: R.M. BORDE &
A.I.S. CHEEMA, JJ.

DATED: 20th November, 2015.

ORAL ORDER:

1. The grievance of the petitioners is that, in pursuance of the award declared on 5.4.2013 by the Land Acquisition Officer, notices under Section 12(2) were issued to the claimants on 5.5.2014 asking them to remain present in the office of Land Acquisition Officer for receiving the

amount of compensation on 9.5.2014. However, on the given date, the amount of compensation was not disbursed by the Land Acquisition Officer. Thus, the notices under Section 12(2) issued by the Land Acquisition Officer were not acted upon and are of no consequence.

2. An affidavit-in-reply has been presented on behalf of respondents No.2 and 3 in this Court, wherein it has been stated that, 100% amount of compensation covered under the award would be disbursed in favour of the petitioners. The learned A.G.P. appearing for the State, on instructions, informs that, if the petitioners remain present before the Land Acquisition Officer on 2.12.2015, they would be paid the amount of compensation. The petitioners, as such, shall remain present in the office of the Land Acquisition Officer on 2.12.2015 to receive the amount of compensation. It is needless to state that the payment of amount of compensation under the award declared by the Land Acquisition Officer/ Sub-Divisional Officer shall be considered with reference to date of actual payment for purposes of computation of limitation for presentation of reference application since the notice issued earlier under

section 12(2) was not acted upon and the amount of compensation was not paid under the said notice by the Land Acquisition Officer.

3. Writ Petition stands disposed of accordingly.

(A.I.S. CHEEMA, J.)

(R.M. BORDE, J.)

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