

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

WRIT PETITION NO. 3526 OF 2015

Ambadas s/o Laxman Patil
and others.

...Petitioners.

Versus

The State of Maharashtra,
and others.

... Respondents.

...

Mr. Vinod P. Patil, Advocate for Petitioners;

Mr. N.B. Patil, AGP for Respondents Nos.1, 2, 3,
6 and 7.

Mrs. Surekha Biradar, Advocate H/f. Mr. D.R. Shelke,
Advocate for Respondent No. 4 and 3.

...

CORAM: R.M.BORDE

AND

P.R.BORA, JJ.

Date: 22nd September, 2015.

Per Court:-

1) Heard. The Petitioners are praying for issuance of directions to the Respondents to make payment of the amount determined under award passed by the Land Acquisition Officer / Sub Divisional Officer. According to the Petitioners, although the date was prescribed as 21.01.2015 for receiving

amount of compensation, the same was not disbursed under one pretext or the other.

2) An affidavit-in-reply has been presented on behalf of Respondent No.7 Sub Divisional Officer, Faizpur Division, Faizpur, wherein it has been stated in Para No.8 that, a proposal has been forwarded to the office of Respondent No.2 Collector, Jalgaon on 16.03.2015 seeking cancellation of the Award which, in fact, would be withdrawal from acquisition within contemplation under section 48(1) of the Land Acquisition Act, 1894 and section 93(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Further, it has been stated in Para No.11 of the affidavit-in-reply that, in the event, the Government does not accept the proposal for withdrawal from the acquisition, and propose to acquire the land, in question, the authorities shall have to proceed in accordance with the Act of 2013.

3) In view of the proposal forwarded by the Sub Divisional Officer to the Collector, seeking leave to withdraw from the acquisition, the grievance

raised by the Petitioners in the instant petition, in respect of failure to disburse the amount of compensation determined under the award, does not deserve consideration.

4) Writ Petition is devoid of substance and is rejected.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/