

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

WRIT PETITION NO. 6884 OF 2007

Raghunath Honaji Bawachakar
and others

.. Petitioners

Versus

The Special Land Acquisition Officer
Beed and others

.. Respondents

Shri Vilas P. Savant, Advocate for Petitioners.

Shri P. N. Mule, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.**

DATE : 09TH APRIL, 2015.

PER COURT :

. Mr. Sawant, the learned counsel for petitioners states that, the benefit U/Sec. 34 of the Land Acquisition Act (for the sake of brevity hereinafter called as to the “L. A. Act”) has not been granted to petitioners by the Collector. It is duty of the Collector to grant benefit U/Sec. 34 of the L. A. Act. According to the learned counsel, the petitioners had filed reference before the Reference Court U/Sec. 18 of the L. A. Act bearing L. A. R. No. 304 of 2009, L. A. R. No 305 of 2009 and L. A. R. No 306 of 2009. The benefit U/Sec. 34 has not been granted to the petitioners from the date of possession was taken to which the petitioners

are entitled.

2. The learned Assistant Government Pleader submits that, the petitioners are given benefit U/Sec. 34 of the L. A. Act by the Reference Court, as such the writ petition is not tenable.

3. Considering the award passed by the Reference Court U/Sec. 18 of the L. A. Act, we pass the following order.

ORDER

- A. The Collector shall decide the amount of the benefit of Sec. 34 of the L. A. Act to be paid to petitioners in accordance with law after considering and deducting benefit U/Sec. 34 of the L. A. Act granted by the Reference Court.
- B. The said amount be calculated and if it is found that petitioners are entitled for some amount, same be paid to petitioners expeditiously and preferably within a period of six (6) months from today.
- C. The petitioners shall produce the certified copy of the judgment of the Reference Court.
- D. The Collector shall calculate the benefit of total amount payable U/Sec. 34 of the L. A. Act after considering the benefit that is given by the Reference Court in the aforementioned references.

F. The writ petition accordingly disposed of. Rule discharged.
No costs.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 15