

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

22 WRIT PETITION NO.7424 OF 2014

ARJUN NAMDEO KOLI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Kale Ajeet B.
Mrs. MA Deshpande, AGP for Respondents: 1 to 3;
Mr. Kutti P.N., Adv. For R/4

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 18th JUNE, 2015.

PER COURT :

1) Heard. Learned Counsel appearing for the petitioners, on instructions, seeks leave to withdraw the writ petition presented on behalf of petitioner Nos.1, 2, 3 and 5. Leave granted with liberty to the concerned petitioners to take up appropriate proceedings for redressal of their grievances in accordance with the provisions of law.

2) An application is tendered by petitioner Nos.3-A and 4, claiming re-determination of

amount of compensation under Section 28-A of the Land Acquisition Act, before the learned Collector, who rejected the same on the ground that the petitioner Nos. 3-A and 4 had approached the Civil Court by presenting Reference Applications and those have been decided on merits. The observations made by the learned Collector are factually incorrect, inasmuch as the petitioner Nos. 3-A and 4, in fact, did approach the Reference Court under Section 18 of the Land Acquisition Act and as such, they are entitled to claim re-determination of the amount of compensation receivable by them on the basis of the Judgment relied upon by them in support of their contentions raised in the application presented by them to the Collector.

3) In view of the above, the order passed by the Collector, rejecting the application presented by petitioner Nos. 3-A and 4, for re-determination of amount of compensation payable to them, is liable to be quashed and set aside

and the same is accordingly quashed and set aside. Respondent Nos. 2 and 3 are directed to redetermine the amount of compensation payable to petitioner Nos. 3-A and 4 under Section 28-A of the Land Acquisition Act, as expeditiously as possible and preferably within a period of four months from today. On redetermination of the amount of compensation, Respondent No.4 the acquiring body, is directed to disburse the amount, as expeditiously as possible and preferably within a period of three months from such re-determination.

4) With the directions, as above, the writ petition stands disposed of.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/