

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7292 OF 2012

Dhulaji Shivram Dalvi & Ors.

... Petitioners

Vs.

The State of Maharashtra

... Respondent

a/w

WRIT PETITION NO.7023 OF 2012

Vikramaditya Shyamsundar Sahastrabuddhe & Ors.

... Petitioners

Vs.

The State of Maharashtra & ors.

... Respondents

Mr.U.P. Warunjikar for the Petitioners

Ms.S.S. Bhende, Assistant Government Pleader, for Respondent Nos.1, 2 & 3

**CORAM: SMT. VASANTI A. NAIK &
SHRI C.V. BHADANG, JJ.**

DATE: 27th JANUARY, 2015

P.C.:

Since the issue involved in these petitions is identical, they are heard together and are decided by this common order.

By these petitions, the petitioners impugn the award passed by the Special Land Acquisition Officer, dated 13.3.2011.

The petitioners have challenged the award dated 13.3.2011 on the

ground that when the petitioners applied for certified copies of the award, the petitioners received 2 certified copies with some different notings in figures in respect of the compensation and the extent of the acquired land. According to the petitioners, the petitioners are not aware as to which award is the correct award. Secondly, according to the petitioners, all the lands did not fall under the benefited zone as the canal layout was not finalised. It is stated that the award is liable to be set aside in view of the aforesaid position.

Ms.Bhende, the learned Assistant Government Pleader, has produced the record and proceedings in the concerned land acquisition proceedings. We have perused the original award dated 13.3.2011. The copy annexed by the petitioner at page 42 is the correct copy of the final award passed by the Special Land Acquisition Officer on 13.3.2011. It is stated that the petitioners have already filed the reference u/s 18 of the Land Acquisition Act, 1894 before the Collector and the land acquisition reference cases are pending.

We do not find any reason for setting aside the award dated 13.3.2011 as also the land acquisition proceedings on the grounds raised by the petitioners in these petitions. It would be necessary to refer to the

judgments of the Hon'ble Supreme Court, reported in **(1997) 2 SCC 2627** and **(2000) 2 SCC 48** in this regard. The petitioners were clearly aware that the copy of the award annexed at page 42 is the correct copy of the award and have based their claim for enhancement of compensation on the said award. The other ground for challenging the award also does not require any consideration, in the facts of the case. We have seen the original award and have found that the petitioners have based the claim in the reference proceedings on the certified copy of the award, dated 13.3.2011.

In view of the aforesaid, the writ petitions are dismissed with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)