

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3279/2014

(SHANKARRAO MADHORAO NAKADE **VERSUS** THE STATE OF MAH. & ORS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri N.A. Vyawahare, counsel for the petitioner.
 Mrs. A.R. Taiwade, A.G.P. for the R-1 & 2.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATE : MARCH 18, 2015.

By this petition, the petitioner challenges the Award passed under Section 11 of the Land Acquisition Act, 1894 on the ground that it was not passed within a period of two years from the issuance of the Section 6 notification as required by the provisions of Section 11-A of the Act of 1894.

It is stated on behalf of the petitioner that in the proceedings filed by the other land holder challenging the Award passed in furtherance of Section 6 notification issued in this case, this Court has, by an order dated 11.02.2014 allowed the writ petition and quashed the Award dated 30.10.1999.

The land of the petitioner was also acquired in pursuance of the Section 6(2) notification published on 18.09.1997 as in the case of other land holder in Writ Petition No.2587 of 2001. In fact, the petitioner is a joint owner of the land that was acquired by the said notification. It is held by this Court in the order dated 11.02.2014 in Writ Petition No.2587 of 2001 that the Award was not passed within a period of two years from the date of issuance of notification under Section 6 of the Act of 1894 and, hence, the same was void. If the Award is held to be void by the order dated 11.02.2014 in the aforesaid writ petition,

it would be necessary to grant the prayer made by the petitioner in the instant writ petition.

Hence, we quash the Award dated 30.10.1999 and dispose of the writ petition with no order as to costs.

JUDGE

JUDGE

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