

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

WRIT PETITION NO. 6275 OF 2014

Murlidharji Govindramji Jadodiya

-vs-

State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.A.S.Dhore, counsel for the petitioner.
Mr.N.R.Patil, AGP for the respondent Nos.1 and 2.
Mr.A.D.Sonak, counsel for the respondent No.3.

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

DATE : 24.07.2015.

By this petition, the petitioner seeks a declaration that the action on the part of the respondents in taking possession of the land of the petitioner without determination of the compensation and without passing an award is illegal, arbitrary and violative of the provisions of the Constitution of India. The petitioner seeks a direction to the Special Land Acquisition Officer to pass an award determining compensation.

The respondent Nos.1 and 2 have filed a *pursis* on 09/07/2015, stating therein that an award was passed by the Special Land Acquisition Officer in respect of the land of the petitioner on 10/10/2012. A copy of the award is annexed to the *pursis*, dated 09/07/2015. The original record and proceedings are also produced before the Court for perusal. It appears from the original record and proceedings that the award was passed by the Special Land Acquisition Officer on

10/10/2012 and some landholders have received the compensation. It is, however, admitted by the learned Assistant Government Pleader that on a perusal of the record and proceedings, it cannot be said that a notice under Section 12(2) of the Land Acquisition Act was actually served on the petitioner.

Shri Dhore, the learned counsel for the petitioner, states that in view of the declaration of the award, that is noticed by the petitioner on 10/07/2015 when the copy of the pursis was served on the counsel for the petitioner, the petitioner would take appropriate steps under the provisions of the Land Acquisition Act read with Maharashtra Industrial Development Corporation Act for enhancement of compensation.

In view of the aforesaid, the writ petition is disposed of with no order as to costs.

JUDGE

JUDGE