

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.1348 OF 2016

Nandlal s/o Kisanlal Pallod,
Age-68 years, Occu:Agri.,
R/o-Madhav Nagar, Paithan,
Tq-Paithan, Dist-Aurangabad.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
Urban Development Department,
Mantralaya, Mumbai-32,
- 2) Deputy Director of Town Planning,
Aurangabad Division, Aurangabad,
- 3) The District Collector,
Aurangabad,
- 4) The Special Land Acquisition Officer,
Jaikwadi Project No.1,
Aurangabad,
- 5) The Municipal Council, Paithan,
Through its Chief Officer,
Near Main Road, Paithan,
Tq-Paithan, Dist-Aurangabad.

...RESPONDENTS

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Mr.N.T. Tribhuvan Advocate for Petitioner.
Mr.A.M. Phule, A.G.P. for Resp. Nos. 1 to 4.
Mr.Swapnil Joshi Advocate i/b. JP Legal
Associates for Resp. No.5.

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

DATE : 18TH MARCH, 2016

ORDER :

1. Mr. Tribhuvan, learned counsel for the Petitioner submits that though the award is passed in the year 2000, the possession of the land has not been taken from the Petitioner nor amount of compensation is paid. The said award is already quashed and set aside by this Court in Writ Petition No.4594 of 2013 vide Judgment and order dated 18th November 2015 to the extent of the Petitioners therein. The present Petitioner's land is also acquired by the same award which has been subject matter in Writ Petition No.4594 of 2013.

2. Learned A.G.P. and the learned counsel for Respondent No.5 do not dispute that the possession of the land has not been taken from the Petitioner pursuant to the award nor compensation

has been paid and that the land of the Petitioner was acquired by the award which is set aside by this Court in Writ Petition No.4594 of 2013 to the extent of said Petitioners.

3. In view of the Judgment dated 18th November 2015 in Writ Petition No.4594 of 2013, the award dated 15th November 2000 to the extent of present Petitioner, is quashed and set aside. It would be open for the Planning Authority or the State to take steps for acquisition of the land either by entering into private negotiations with the Petitioner or by initiating fresh proceedings under the provisions of law.

4. The Writ Petition disposed of, accordingly. No costs.

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

asb/MAR16

[S.V. GANGAPURWALA, J.]