

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

WRIT PETITION NO. 1361 OF 2016

1. Kailash Gangadhar Jogewar,
Age: 26 years, Occ.: agri.,
r/o Ghungrala, Tq. Naigaon (Kh)
Dist. Nanded.
2. Mohan Gangadhar Jogewar,
Age: 30 years, Occ.: agri.,
r/o Ghungrala, Tq. Naigaon (Kh)
Dist. Nanded.
3. Raosaheb Sheshrao More,
Age: 50 years, Occu.: Agri.,
r/o : Gangabeed, Tq. Naigaon
Dist. Nanded.

...PETITIONERS

versus

1. The State of Maharashtra
Through its Secretary,
Public works department,
Mantralaya, Fort, Mumbai -32
2. The District Collector,
Nanded, Dist. Nanded.
3. The Deputy Collector
Land Acquisition, Nanded,
Dist Nanded.
4. The Executive Engineer,
Public Works Department,
Nanded, Tal. & Dist. Nanded

...RESPONDENTS

.....
Mr. Amit. A. Mukhedkar, Advocate for petitioner
Mr. S.S. Dande, AGP for respondents No. 1 to 4.
.....

**CORAM : S. V. GANGAPURWALA AND
K.K. SONAWANE, JJ.**

DATED : 12th APRIL, 2016.

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith. Heard the learned counsel for parties finally, with consent.

2. Mr. Mukhedkar, learned counsel for petitioners states as that the award has been passed on 17-01-2014 i.e. after enforcement of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short "Act of 2013"). Though the award has been passed after enforcement of Act of 2013, however, compensation is computed as per the provisions of Land Acquisition Act, 1894 (For short "Act of 1894"). Learned counsel for petitioners further submits that as per section 24(1)(a) of the Act of 2013, compensation has to be computed as per the Act of 2013.

2. Mr. Dande, learned Assistant Government Pleader appearing for respondents -authorities submits that all the proceedings of acquisition were under the Act of 1894 only award came to be passed after introduction of the Act of 2013. Learned Assistant Government Pleader submits that compensation amount has been rightly computed.

3. We have gone through award. Award is passed on 17-01-2014. The Act of 2013 came into force with effect from 01-01-2014. Section 24(1)(a) of the Act of 2013 succinctly lays down that award under section 11 of the Act of 1894 has been made, then, all provisions of

this Act relating to the determination of compensation shall apply.

4. Perusal of award, it is manifest that all benefits are computed as per section 23 of the Act of 1894, the same would be erroneous in view of provisions of section 24(1)(a) of the Act of 2013.

5. In the light of above, award to the extent of computing compensation amount is quashed and set aside. Respondents-authorities shall compute the compensation afresh in accordance with Act of 2013, as expeditiously as possible, preferably within a period of six (06) months from the date of order. After computing compensation amount, the same shall be paid to the claimants expeditiously. The amount already paid under award impugned shall be adjusted while computing the compensation amount under the Act of 2013.

6. In view of above, writ petition stands allowed in aforesaid terms. Rule is made partly absolute. No cost.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

MTK