

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

**WRIT PETITION NO. 944 OF 1999**

1. Kachru Babu Bhingardive and others .. Petitioners

**Versus**

1. The State of Maharashtra and others .. Respondents

Mrs. C. S. Deshmukh, Advocate for Petitioners.

Mr. A. V. Deshmukh, A.G.P. for Respondent No. 1 to 5.

Mrs. Anjali Jape/Ansingkar Advocate for the Respondent No. 6.

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

**DATE : 30TH MARCH, 2016.**

**PER COURT :**

. Mrs. C. S. Deshmukh, the learned counsel for petitioners strenuously contends that in the year 1943-1944 an area of 8 Acres and 19 Gunthas was rented to the Military Authorities. The said area is shown in the occupation of the Police Rifle Range. In the year 1965-1966 and in 1970-1971 Police Rifle Range is shown as Kabjedar. The learned counsel submits that after introduction of the town planning scheme in the year 1985 the said land was allotted final plot No. 266. According to the learned counsel mutation entry 2834 is effected in favour of Police Rifle Range in the year 1970 based upon the District

Deputy Collector's letter dated 08.12.1964. The mutation entry depicts that the same is acquired for the purpose of Police Rifle Range under order dated 29.05.1956. The learned counsel submits that the said property was never acquired by the Government nor any Authority. No notification U/Sec 4 and 6 of the Land Acquisition Act (for short "Said Act") was, ever issued. According to the learned counsel petitioners were not given the copy of the award. No record is available with the respondents office. According to the learned counsel even if the award is passed because of non payment of compensation amount, the said proceedings would stand lapsed in view of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition Act.

2. The learned counsel for the respondent No. 6 submits that the award has been passed way back in the year, 1955. The copy of the award is also filed on record. In view of the award passed, no right vests with the present petitioners. The amount of compensation has been paid at the relevant time.

3. We have considered the submissions canvassed by the learned counsel for the respective parties.

4. The award is not subject matter of challenge before this Court. The award passed by the Authority is placed on record. The said award specifically states that the joint measurement

was conducted on 15.10.1954. Notification under Section 4 and 6 of the Land Acquisition Act in Forms E and F under urgency clause (Section 17 of the Land Acquisition Act) were submitted by the Government on 03.01.1955 to publish them in Bombay Government Gazette. This notification was published under the Government notification dated 22.02.1955. The notice under Section 9 was issued on 21.04.1955. The notice was published at the village on 11.06.1955 and notice was also served upon Shri Bandu Sayaji Bingardive on 10.06.1955 and he did not put forth any claim in this connection. Considering the assessment the amount of compensation was determined. The amount payable to the owner was quantified at Rs. 959 i. e. Rs. 960/-. On affidavit it is stated that the said amount is paid to the predecessor-in-title of the petitioner. The predecessor-in-title of the petitioner at no point of time has made any grievance about the same. Even the name of the Police Rifle Range was mutated in the ownership column in the relevant 7/12 extract in the year, 1977.

5. Considering the aforesaid gamut of the matter, no case for interference is made out. The writ petition is dismissed. Rule discharged. No costs.

**[ K. K. SONAWANE, J. ]**

**[ S. V. GANGAPURWALA, J. ]**

bsb/March 16