

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7572 OF 2015

Bhimrao Shivaji Wankhede

.. **Petitioner**

Versus

The State of Maharashtra,
Through its Secretary,
Land and Revenue Department,
Mantralaya, Mumbai and another

.. **Respondents**

Shri K. T. Shirurkar h/f Shri S. R. Kolhare and P. S. Kochar, Advocate
for the Petitioner.

Miss S. S. Raut, A. G. P. for Respondents.

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

DATE : 3RD AUGUST, 2016.

PER COURT :-

1. Mr. Shirurkar, the learned counsel for the Petitioner submits that, the land of the Petitioner was acquired and the award was passed in the year, 1998. The Petitioner is a disabled person. The Respondents have not paid the compensation to the Petitioner at par with the other persons whose land is acquired the same be directed to be paid. The Petitioner has filed representation with the Respondent the same is also not considered.

2. The learned A. G. P. states that, after the award is passed the Petitioner has a remedy U/Sec. 18 of the Land Acquisition Act seeking enhancement of compensation and the Land Acquisition

Officer does not have any power in that regard.

3. If, the award has already been passed it would not be possible for Respondent No. 2 to consider the claim with regard to the enhancement in compensation amount.

4. The Petitioner had a remedy U/Sec. 18 of the Land Acquisition Act or if, some other persons whose land is acquired by the same award have filed References U/Sec. 18 and the same are decided by the Reference Court then the Petitioner has a right to move U/Sec. 28-A of the Land Acquisition Act within a period stipulated in the said section. As the award is already passed the Respondents could not have considered the request of the Petitioner.

5. In view of that, the Writ Petition is dismissed. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

sam/July.16