

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

Writ Petition No. 4065 of 2015

District : Aurangabad

1. Kaduba s/o. Ramrao Dandekar,
Age : 53 years,
Occupation : Agriculture,
R/o. Loni, Taluka : Khultabad,
District : Aurangabad.
2. Mangalabai w/o. Yaduba Jadhav,
Age : 38 years,
Occupation : Household,
R/o. Wavana,
Taluka : Phulambri,
District : Aurangabad.

.. Petitioners.

versus

1. The State of Maharashtra,
Through the Secretary,
Minor Irrigation Department,
Mantralaya, Mumbai - 32.
2. The Special Land Acquisition Officer,
B.& C. Project, Aurangabad,
District : Aurangabad.
3. The Executive Engineer,
Minor Irrigation Division No.1,
Aurangabad.
4. The District Collector,
Aurangabad,
District : Aurangabad.

.. Respondents.

.....

Mr. Ramdas K. Bhakde, Advocate, for the petitioners.

Mrs. M.A. Deshpande, Asst. Government Pleader, for respondent nos.1, 2 and 4.

Mr. S.G. Bhalerao, Advocate, for respondent no.3.

.....

**CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.**

DATE : 17TH FEBRUARY 2016

COURT'S ORDER (Per S.V. Gangapurwala, J.) :

1. The learned Counsel for the petitioners states that the land of the petitioners bearing Gut No. 315 to the extent of 4 Hectares is affected in the acquisition in respect of which award is also passed on 30th May 1988. However, names of the petitioners are not included in the said award though the land of the petitioners is shown under acquisition in the spot inspection report. Even the petitioners are paid advance amount of compensation of Rs. 30,000/-. The learned Counsel further submits that the said land is in possession of the respondents. He further submits that, time and again the petitioners have given representations to the authorities. However, the same have not been considered.

2. The learned Asst. Government Pleader for respondent nos.1, 2 and 4 states that the award in respect of the names of the petitioners is not passed. Even there is no record about possession being taken by the respondents. The authorities would consider the representations filed by

the petitioners on its own merits.

3. Mr. Bhalerao, the learned Counsel for respondent no.3, submits that the names of the petitioners were not included in Section 4 notification also. The petitioners do not have any right.

4. We have considered the rival submissions. It appears from the documents placed on record, that the petitioners have been paid advance compensation of Rs. 30,000/- in respect of 4 Hectares of their land from Gut No. 315. Even in 7/12 extract of Gut No. 315, 4 Hectares of land is shown under Minor Irrigation Tank. Under the spot inspection report of the year 1983, the land of the petitioners is included. However, it does not appear that award has been passed in respect of the land of the petitioners. It is also not clear from the record, as to whether possession has been taken by the respondents of the said land though 7/12 extract filed on record has the entry of Minor Irrigation Tank in ownership column also.

5. As the entire record is not before this Court, it is not possible for this Court to come to a conclusive decision. It appears that the petitioners have moved the authorities time and again in this regard. However, no cognizance has been taken by the respondents.

6. In the light of above, we pass the following order :-

The respondents shall consider the applications / representations of the petitioners for paying compensation and passing of award in respect of

their land Gut No. 315 admeasuring 4 Hectares, situated at village Loni [Taluka : Khultabad, District : Aurangabad], expeditiously, after considering the record available with it, and preferably within a period of eight months from today. The petitioners may also represent themselves before the authorities and produce such record as may be asked by the authorities.

7. With the above directions, the Writ Petition is disposed of.
No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

.....