

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

WRIT PETITION NO.5428 OF 2012

Sahebrao s/o Bhimrao Nalawade ... PETITIONER

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

.....
Shri A.R. Devakate, Advocate for petitioner
Shri S.S. Dande, A.G.P. for State
Shri G.B. Rajale, Advocate for respondent No.4
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CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.

DATED: 8th January, 2016.

ORAL ORDER :

1. The petitioner is praying for issuance of directions to the respondents to pay amount of interest of Rs.1,61,818/- under Section 34 of the Land Acquisition Act since the same has not been paid by the Land Acquisition Officer while declaring the award. It is informed that, the petitioner as well as the respondent/ acquiring body have tendered First Appeals challenging the directions in respect of enhancement in the amount of compensation receivable by the petitioner.

2. It would be open for the petitioner to claim benefits under Section 34 of the Land Acquisition Act in the pending First

Appeals.

3. So far as the land Gat No.29 is concerned, the petitioner claims 1/4th share in the aforesaid property and states that, in respect of determination of compensation of the aforesaid land, no reference was presented by the petitioner or other shareholders. The petitioner claims 1/4th amount towards the benefits under Section 34, which according to the petitioner, is not extended by the Land Acquisition Officer while declaring the award.

4. We do not propose to go into the question of facts while deciding the instant petition. It would be open for the petitioner to tender an application to the concerned Land Acquisition Officer claiming benefits under Section 34 of the Land Acquisition Act. If the petitioner tenders such application claiming statutory benefits, it would be open for the Land Acquisition Officer to deal with the grievance of the petitioner and pass appropriate orders expeditiously.

5. With liberty as aforesaid, Writ Petition is disposed of.

(A.I.S. CHEEMA, J.)

(R.M. BORDE, J.)