

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

Review Application No. _____ of 2016

(Stamp No. 13737 / 2012)

(In Writ Petition No. 1750 of 2011)

District : Jalna

1. Vilas s/o. Punamchand Waykos,
Aged : 37 years,
Occupation : Service in Military.
2. Ramesh s/o. Lalchand Waykos,
Aged : 49 years,
Occupation : Agriculture.
3. Punamchand s/o. Lalchand Waykos,
Aged : 57 years,
Occupation : Agriculture.
4. Mahadu s/o. Dhondiba Khamate,
Aged : 70 years,
Occupation : Agriculture.
5. Ganesh s/o. Rahuba Khamate,
Age : Major,
Occupation : Agriculture.

All R/o. Dabhadi,
Taluka : Badnapur,
District : Jalna.

.. Applicants
(Original petitioners)

versus

1. The State of Maharashtra,
Through the Secretary,
In the Department of Irrigation.
2. The Divisional Commissioner,
Aurangabad.

3. The Collector,
Jalna, District : Jalna.
4. The Special Land Acquisition Officer, .. Non-applicants
Jalna, District : Jalna. (Original respondents)

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*Mr. A.N. Nagargoje, Advocate, holding for
Mr. V.M. Kagne, Advocate, for the applicants.*

*Mr. V.H. Dighe, Asst. Government Pleader, for
non-applicant nos.1 to 4.*

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

DATE : 5TH FEBRUARY 2016

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

1. Mr. Nagargoje, the learned Counsel for the review applicants, submits that this Court had disposed of Writ Petition No. 1750 of 2011 vide order dated 14th February 2012. The same was disposed of on the ground that alternative prayer was made in the petition regarding representations made by the petitioners on 15-5-2009 and 24-1-2011 for deleting their lands from the acquisition and the Court observed that opportunity would be there to the petitioners in an enquiry under Section 5A of the Land Acquisition Act 1894. The learned Counsel submits that, in fact, award itself came to be passed on 10th January 2011. According to the learned Counsel, the said fact was not within the knowledge of the

present petitioners. As such, the same could not be brought to the notice of the Court. The notification under Section 4 of the Act was challenged on the ground that there was no adherence to the time limit as stipulated in the Land Acquisition Act.

2. We have heard the learned Asst. Government Pleader for the non-applicants.

3. As contended by the applicants / petitioners, the award itself is passed on 10th January 2011. Writ Petition No. 1750 of 2011 itself was filed on 25-2-2011 i.e. after the award and in the Writ Petition, there was no whisper about the award being passed or some further proceedings have been taken place pursuant to the notification under Section 4 of the Land Acquisition Act which was issued on 1st February 2007. As such, considering the petition as it is, the order was passed. There is no error apparent on the face of record in passing the order dated 14th February 2012, by this Court.

4. At this stage, the learned Counsel for the applicants submits that some of the similarly situated persons have challenged the award dated 10th January 2011 by separate Writ Petition and the applicants be also given liberty to challenge the award.

5. If in law, the applicants are entitled to assail the award, then the applicants may take up such proceedings as would be permissible in law.

6. In the light of the above, the Review Application stands rejected.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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