IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6127 OF 2015

Eknath S/o Lahanu Kardule **... Petitioner.**

Versus

The State of Maharashtra & Others **... Respondents.**

WITH

WRIT PETITION NO. 6128 OF 2015

Mahadeo Kisan Rakh & Others **... Petitioners.**

Versus

The State of Maharashtra & Others **... Respondents.**

WITH

WRIT PETITION NO. 6129 OF 2015

Ashok Maruti Ajabe & Others **... Petitioners.**

Versus

The State of Maharashtra & Others **... Respondents.**

WITH

WRIT PETITION NO. 6130 OF 2015

Ankush Eknath Gavhane & Others **... Petitioners.**

Versus

The State of Maharashtra & Others **... Respondents.**

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Mr. C. K. Shinde, Advocate for Petitioner.
Mr. V. H. Dighe, Asstt. Govt. Pleader for Respondent Nos.1,2 & 4.
Mr. G. B. Rajale, Advocate for Respondent No.3.

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CORAM : A. V. NIRGUDE &
V. L. ACHLIYA, JJ.

DATE : 12th APRIL, 2016.

PER COURT:

1] The grievance made by the petitioners and the reliefs claimed in all these petitions is more or less identical. In view of this, all these petitions are heard together to be disposed of by common order.

2] The common grievance made in these petitions is that, though their lands are acquired and possession has been taken, the final award has not been passed till this date. In view of Land Acquisition Act, 1894 is repealed and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter shall be referred as 'the new Act') is brought in force in place of repealed Act w.e.f. 01.01.2014, the compensation is to be determined and award deserves to be passed as per the provisions of the new Act. Accordingly, they have prayed for determining the compensation and passing of award as per the new Act.

3] The respondents have filed affidavit-in-reply in W.P. Nos.

6127 of 2015, 6129 of 2015 and 6130 of 2015. They do not dispute the fact that, the award has not been passed in the matter though the possession has been taken till the Land Acquisition Act of 1894 is repealed by new Act of 2013. They have also not disputed that the compensation will have to be determined as per the provisions of new Act by adopting the process laid down under the provisions of new Act, 2013. In reply filed in said three petitions, respondents have stated in para 5 and 6 as under :-

> *"**5.** I say and submit that, as the earlier land acquisition proceedings has been lapsed, therefore respondent authorities have initiated the fresh land acquisition proceeding as per the said Act, 2013. I say that, the joint measurement took place and notices under section 15(1) of the Act 2013 have been issued on 3.10.2015.*
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> ***6.** I say that, as the fresh acquisition proceeding is already initiated, the Respondent authorities will pass the award under the Said Act, 2013 and considering the fact that, 80% amount of compensation is already paid, remaining amount would be calculated as per the said Act, 2013 then final award will be passed."*

4] Learned AGP appearing for the respondents submitted that, through no reply is filed in writ petition no. 6128 of 2015, the

compensation will have to be determined as per the provisions of new Act.

5] In view of the categorical statement made in reply filed by respondents, nothing survives to proceed with the petitions. Accordingly, the writ petitions are disposed of in terms of statement made in para nos.5 & 6 of the reply filed by the respondents.

6] Respondents are directed to expedite the process and to pass the necessary award as expeditiously as possible and preferably within a period stipulated under the provisions of the new Act of 2013. Writ petitions are disposed of in above terms. No order as to costs.

[V. L. ACHLIYA]
JUDGE

[A. V. NIRGUDE]
JUDGE