

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD  
WRIT PETITION NO.6925 OF 2015

- 01 Dayakar s/o Bhumareddi Pathkarod,  
age: major, Occ: Agri.,  
R/o Gurjavala, Tal. Dharmabad,  
District Nanded.
- 02 Balaji s/o Ganganna Nistarod,  
age: major, Occ: Service,  
R/o Gurjavala, Tal. Dharmabad,  
District Nanded.
- 03 Chinubai w/o Rajreddi Gadmod,  
age: major, Occ: Service,  
R/o Gurjavala, Tal. Dharmabad,  
District Nanded.
- 04 Narsareddi s/o Gunwantrao Lakadwar,  
age: major, Occ: Service,  
R/o Gurjavala, Tal. Dharmabad,  
District Nanded.
- 05 Nagnath s/o Maroti Bunod,  
age: major, Occ: Service,  
R/o Gurjavala, Tal. Dharmabad,  
District Nanded.
- 06 Sainath s/o Maroti Bunod,  
age: major, Occ: Agri.,  
R/o Gurjavala, Tal. Dharmabad,  
District Nanded.
- 07 Laxman s/o Maroti Bunod,  
age: major, Occ: Service,  
R/o Gurjavala, Tal. Dharmabad,  
District Nanded.

Petitioners

Versus

- 01 The State of Maharashtra,  
through its Secretary,  
Irrigation Development Department,

Mantralaya, Mumbai.

02 The District Collector,  
Nanded, District Nanded.

03 The Deputy Collector,  
Land Acquisition, Nanded,  
District Nanded.

04 The Executive Engineer,  
Upper Pen Ganga Project  
Division No.8, Nanded,  
Tal. & District Nanded.

Respondents

Mr.A.V.Patil (Indrale), advocate for petitioners.  
Mr.S.K.Kadam, A.G.P. for Respondents.

**CORAM : R.M.BORDE &  
A.I.S.CHEEMA, JJ.  
DATE : 21st January, 2016**

**ORAL JUDGMENT (Per R.M.Borde, J.):**

1            Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2            Petitioners are praying for issuance of directions to quash the award passed by Respondent No.3 on 01.02.2014, determining the amount of compensation, in accordance with provisions of Land Acquisition Act, 1894.

3            It cannot be controverted that the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, are enforced since 01.01.2014. The impugned award is declared after enforcement of the Act of 2013. In view of provisions of Section 24(1)(a) of the Act of 2013, where no award under Section 11 of the Land Acquisition

Act, has been made, then, all provisions of the Act, relating to determination of compensation, shall apply.

4 In the instant matter, award has been declared after enforcement of Act of 2013 and until the date of such enforcement, award was not passed under the Act of 1894. As such, provisions of Section 24(1)(a) of the Act of 2013 are attracted. Necessary consequence is that the award impugned in the petition shall have to be declared as illegal and is accordingly quashed.

5 Respondent No.3- Deputy Collector, Land Acquisition, Nanded, is directed to take up the proceedings in respect of land acquisition and declare the award on determination of compensation in accordance with the provisions of new enactment i.e. Act of 2013. The proceedings in respect of acquisition, until the stage of determination of compensation, are perfectly in order, however, by virtue of provisions of Section 24(1)(a) of the Act of 2013, only determination of amount of compensation shall be in accordance with the Act of 2013. Respondent No.3, in observance of the procedure, shall determine the amount of compensation in accordance with the Act of 2013 and declare the award, as expeditiously as possible, preferably within a period of six months from today.

6 Rule is made absolute accordingly. In the facts and circumstances of the case, there shall be no order as to costs.

**A.I.S.CHEEMA**  
**JUDGE**

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**R.M.BORDE**  
**JUDGE**