

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

WRIT PETITION NO. 6969 OF 2007

Panditrao S/o Narayanrao Deshmukh
and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri R. R. Shaikh, Advocate for Petitioners.
Ms S. S. Raut, A. G. P. for Respondent Nos. 1 to 3 and 5.
Shri A. S. Deshmukh, Advocate for Respondent Nos. 4.

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

DATE : 18TH FEBRUARY, 2016.

PER COURT :-

. Mr. Shaikh, the learned counsel for petitioners submits that, the award is not passed within a period of two years from the date of declaration of U/Sec 6 of the Land Acquisition Act read with Sec. 126 of the Maharashtra Regional and Town Planning Act. As such in view of Section 11-A of the Land Acquisition Act, the acquisition proceedings stand lapsed. The learned counsel further submits that, the award is not sanctioned by the Government U/Sec. 11 of the L. A. Act. However, it is sanctioned by the Collector. The same is illegal. The learned counsel submits that, even E-Statement is incorrect. No details

are given in the same. The Survey numbers/Gut numbers are not mentioned. The measurement of the land is also not mentioned.

2. The learned counsel submits that, the petitioner may be allowed to amend the said aspect in the writ petition. The learned counsel relies on the judgment of the Apex Court in case of **State of U. P. and others Vs. Rajiv Gupta and another** reported in (1994) 5 SCC 686.

3. We have also heard the learned Assistant Government Pleader.

4. As far as the ground of sanction U/Sec. 11-A of the L. A. Act is concerned, the same is not applicable. Section 11-A of the L. A. Act is not applicable to the acquisition made U/Sec. 126(4) of the Maharashtra Regional Town Planning Act as is held by the Apex Court in a case of **Girnar Traders Vs. State of Maharashtra** reported in (2011) 3 SCC 1.

5. As far as other grounds are concerned, the same do not appear to have been raised in the writ petition. Moreover the award is certainly passed and sanction is granted by the Collector. Under Section 52-A of the L. A. Act the State Government may by notification in the Official Gazette direct

that all or any of the powers conferred or duties imposed on it or the Commissioner by or under this Act, may, subject to such restrictions and conditions, if any, as may be specified in the notification be exercisable also by the Collector.

6. There is no pleading with regard to the fact that the Collector did not have necessary authorization in view of Section 52-A of the L. A. Act.

7. As far as the E-Statement is concerned, the same is the part of award. The award lays down the number and the area acquired. The same may not vitiate the award itself.

8. In light of the above no relief can be granted to the petitioner. The writ petition is dismissed. Rule Discharged. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]