

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

38 WRIT PETITION NO. 11699 OF 2015

MUNIRAJ KAKNAJI KSHIRSAGAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Chincholkar G. N.
AGP for Respondents Sate: Mrs. V. H. Patil
Advocate for Respondent No.4 : Mrs. Ranjana D. Reddy

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 14th December, 2016

ORDER:

1. Mr. Chincholkar, the learned counsel for the petitioners submits that in the present matter, award in respect of acquired land has been passed on 11th April, 2014. In view of provisions of Section 24(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 the petitioners are entitled for the compensation as per the said Act of 2013.

2. Learned AGP submits that the Deputy Collector, (Land Acquisition) M.I.W. Nanded has filed affidavit stating that the amount of compensation payable to the petitioners would be decided as per the New Act, 2013. Mrs. Reddy, the learned counsel appearing for the Acquiring Body submits that the petitioners have been

paid the compensation amount. They also preferred reference. Now they cannot agitate about this aspect.

3. Provisions of Section 24(1) of the Act of 2013 are abundantly clear. If the award is not passed till enforcement of the Act, 2013, the compensation has to be paid and computed as per the Act, 2013. The special Land Acquisition Officer, in his affidavit in reply has also stated that he will determine the amount of compensation payable to the petitioners in accordance with the provisions of the Act, 2013.

4. In the light of above, we pass following order:

O R D E R

The respondents shall determine the compensation payable to the acquired lands of the petitioners under Award dated 11.04.2014, as per the Act of 2013. The amount of compensation already paid shall be adjusted.

5. Writ petition is accordingly disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC