

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.386 OF 2016

Prabhu s/o Jalba Wanjari (Khandre),
Deceased through LR
Suresh s/o Prabhu Wanjari (Khandre),
Age-38 years, Occu:Agri.,
R/o-Karkheli, Tq-Dharmabad,
Dist-Nanded.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
Irrigation Development Department,
Mantralaya, Mumbai,
- 2) The District Collector,
Nanded, Dist-Nanded,
- 3) The Deputy Collector Land Acquisition,
Nanded, Dist-Nanded,
- 4) The Executive Engineer,
Upper Pen Ganga Project Division No.8,
Nanded, Tq. & Dist-Nanded.

...RESPONDENTS

...
Mr.A.V. Indrale Patil Advocate for Petitioner.
Mr.P.S. Patil, A.G.P. for Respondent Nos.
Nos. 1 to 3.
Respondent No.4 served.

...

**CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.**

DATE : 18TH FEBRUARY, 2016

ORAL JUDGMENT [PER R.M. BORDE, J.] :

1. Heard. Rule. Rule made returnable forthwith. With the consent of learned counsel for the parties, the Petition is taken up for final disposal at admissions stage.

2. The Petitioner is praying for issuance of directions in respect of quashment of the Award passed on 24th March, 2014 contending that the same is not passed in consonance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act of 2013). According to the Petitioner, the determination of amount of compensation under the Award dt. 24th March 2014 is in accordance with the old Enactment i.e. the Land Acquisition Act, 1894. The new Act

i.e. Act of 2013 is made operational since 1st January 2014 and it was necessary for the Land Acquisition Officer to determine the compensation in accordance with the Act of 2013.

3. An affidavit in reply has been presented on behalf of the Respondents, wherein it has been stated that amount of compensation would be determined in accordance with the provisions of Act of 2013 and considering the Circular issued by the Government on 9th May 2014.

4. Since the Respondents have assured to re-determine the amount of compensation in accordance with the provisions of Act of 2013, the grievance of the Petitioner stands redressed. The Award passed by the Land Acquisition Officer is quashed and set aside. So far as the determination of amount of compensation, the Respondents shall re-determine the amount in accordance with the provisions of Act of 2013, as expeditiously as

possible, preferably within the period of FOUR MONTHS from today and shall make payment of the amount so determined, within the period of FOUR WEEKS from the date of such determination.

5. The amount already paid to the Petitioner as per the computation made in accordance with the Award passed under the old Enactment i.e. Act of 1894, shall be considered while making payment of the amount determined under the Act of 2013 under the directions issued by this Court in the instant Petition.

6. Rule is accordingly made absolute in above terms. There shall be no order as to costs.

[A.I.S. CHEEMA, J.]

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[R.M. BORDE, J.]