

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

WRIT PETITION NO. 2146 OF 2016

Laxman Moglaji Darmod and others ...PETITIONERS

versus

The State of Maharashtra and others ...RESPONDENTS

.....
Mr. Anand V. Patil (Indrale), Advocate for petitioners
Mr. M.A. Shinde, AGP for respondents No. 1 to 3
.....

**CORAM : S. V. GANGAPURWALA AND
K.K. SONAWANE, JJ.**

DATED : 5th APRIL, 2016.

Order :-

1. Mr. Patil, learned counsel for petitioners submits that award has been passed on 1st February, 2014, however, while computing compensation the provisions of Land Acquisition Act, 1894 are made applicable. If award is passed on or after 1st February, 2014 then for the purpose of determination of compensation provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short " Act of 2013") are required to be made applicable. As such, computation of compensation as has been done under old Act under award dated 01-02-2014 deserves to be set aside.

2. We have heard learned Assistant Government Pleader.

3. It is not disputed that award has been passed on 1st February,

2014, however, the compensation has not been computed as per the provisions of Act of 2013.

4. In view of provisions of Section 24(1)(a) of the Act of 2013, the award impugned under section 11 has been lapsed. Admittedly, the award has been passed after enforcement of Act of 2013.

5. In view of that, we pass following order.

Respondents - authorities shall compute the compensation payable to the petitioners as per the provisions of Act of 2013 and pass the award accordingly as expeditiously as possible preferably within a period of six months from the date of receipt of writ of this order.

6. Writ petition stands disposed of.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

MTK