

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

WRIT PETITION NO. 9476 OF 2013

1. Bhagwan S/o Manikrao Bidgar
and others .. Petitioners

Versus

1. The State of Maharashtra and others .. Respondents

Ms. Savita E. Madane (Narwate), Advocate for Petitioners.

Shri V. H. Dighe, A.G.P. for Respondent Nos. 1 to 4.

Shri S. S. Chaudhari, Advocate for the Respondent No. 05.

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

DATE : 16TH AUGUST, 2016.

PER COURT :

. The learned counsel for petitioners states that, the impugned award dated 04.06.2012 passed by the Special Land Acquisition Officer deserves to be quashed and set aside. The petitioners are the owners and possessors of the land bearing Gut Nos. 238 and 240. According to the learned counsel, though the petitioners are owners and possessors of the land, but no notice U/Sec. 9 of the Land Acquisition Act was issued. The petitioners have also submitted the documents, but the respondents have not taken any action.

2. Mr. Choudhari, the learned counsel for the respondent No.

05/acquiring body submits that, the land of petitioners is not required for the purpose for which the land is acquired and the respondent No. 05 is ready to release the said land in favour of petitioners. However, in respect of some of the petitioners, the details given and the sale deeds were not tallying with each other. As such same has been referred to the Deputy Collector and Tahsildar for verification.

3. There is consensus amongst the parties that the land of petitioners is to be released from acquisition. The only debate is about the boundaries as suggested by petitioners in the chart submitted to the respondents and the sale deeds. It is also not disputed that, the possession of the writ land has not been taken by the respondent No. 5. As the respondent No. 5 is agreeable to release the writ property of petitioners, we pass following order.

4. The respondents shall take decision about release of the land of petitioners expeditiously and preferably within a period of four (04) months from today. In case there is some doubt in the identification of the property, the petitioners may appear before the concerned authority and clarify the same. The writ petition accordingly is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]