

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

Writ Petition No. 11882 of 2015

District : Aurangabad

Gulam Hussain Khan s/o. Abdul Hameed Khan,
Age : 75 years, Occupation : Nil,
R/o. Silk Mill Compound, Near Railway Station,
Aurangabad, Taluka & District : Aurangabad,
Through General Power of Attorney Holder,
Khan Rushina Tasneem D/o. Hamid Khan,
Age : 30 years,
Occupation : Assistant Professor,
R/o. C/o. Hamid Ali Khan, Silky Villa,
Opposite Ayesha Function Hall,
Beed By pass road,
Aurangabad,
Taluka & District : Aurangabad.

.. Petitioner.

versus

1. The Union of India,
Through Secretary,
Ministry for Railways.
2. Deputy Chief Engineer (Construction-I),
Nanded, Taluka & District : Nanded.
3. The Chief Administrative Officer
(Construction Division),
South Central Railway,
Secundarabad (Telangana State).
4. The State of Maharashtra,
Through its Secretary,
Department of Urban Development,
Mantralaya, Mumbai - 400 032.
5. The Collector,
Aurangabad,
District : Aurangabad.

6. Special Land Acquisition Officer /
Deputy Collector (L.A.),
Jayakwadi Project-I,
Aurangabad.

.. Respondents.

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Mr. G.R. Syed, Advocate, for the petitioner.

*Mr. Sanjeev B. Deshpande, Asst. Solicitor General
of India, for respondent nos.1 to 3.*

*Ms. S.S. Raut, Asst. Government Pleader, for
respondent nos.4 to 6.*

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

DATE : 24TH FEBRUARY 2016

COURT'S ORDER (Per S.V. Gangapurwala, J.) :

1. Mr. Syed, the learned Counsel for the petitioner, submits that the award under Section 28A of the Land Acquisition Act 1894, is passed on 7th September 1998. However, payment of compensation in tune with the said award has not yet been made by the respondents.

2. Mr. Deshpande, the learned Asst. Solicitor General for respondent nos.1 to 3, seeks time on the ground that instructions are not received as to whether any steps have been taken by respondent nos.1 to 3, against the award passed under Section 28A of the Land Acquisition Act.

3. It appears that the Special Land Acquisition Officer has passed an award purportedly under Section 28A of the Land Acquisition Act, in April 1998 and also directed the present respondent no.3 to issue

cheque for an amount of Rs. 15,66,351/-. Thereafter, the said Special Land Acquisition Officer had requested respondent no.3 in the year 1999 to make the payment. Thereafter, vide communication dated 22-1-2005, respondent no.3 sought clarification from the Special Land Acquisition Officer to confirm status of the claimants, whether they are co-owners or not. Vide communication dated 12th April 2006, the Special Land Acquisition Officer communicated the respondent no.2 to forward the claim of Rs. 15,66,351/- of co-owners of land bearing CTS No.19049/1 belonging to Mr. Gulam Hussain Khan and Mr. Jawed Ahmed.

4. It is almost 17 years, the award under Section 28A of the Land Acquisition Act has been passed and petitioner has not been paid the amount.

5. Considering the aforesaid conspectus of the matter, we dispose of the Writ Petition by directing the respondent nos.1, 2 and 3, to make payment under Section 28A of the Land Acquisition Act, as per the award passed by the Special Land Acquisition Officer in April 1998 and as detailed in the said award, to the petitioner, to the extent of his share, expeditiously and preferably within a period of six months from today, of course, if there is no prohibitory order passed by any Court.

6. The Writ Petition accordingly stands disposed of. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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