

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.593 OF 2016

1 Baswantrao Iranna Patil,
age: 65 years, Occ: Agril.,
R/o Karla (Bk), Tq. Biloli,
District Nanded.

2 Gangaram Prabhanna Khelge,
age: 60 years, Occ: Agril.,
R/o Karla (Bk), Tq. Biloli,
District Nanded.

Petitioners

Versus

1 The State of Maharashtra,
through : Principal Secretary,
Revenue & Forests Department,
Mantralaya, Madam Cama Road,
Mumbai-32.

2 The Collector, Nanded,
Nanded.

3 The Dy. Collector (Land Acquisition),
Minor Irrigation Works,
Collectorate, Nanded.

4 Regional Transport Officer, Nanded,
MIDC Area, Nanded.

Respondents

Mr.S.V.Kurundkar, advocate for petitioners.

Mr.S.K.Kadam, A.G.P. for Respondents No.1 to 4.

**CORAM : R.M.BORDE &
A.I.S.CHEEMA, JJ.
DATE : 03rd February, 2016**

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 Petitioners are objecting to the award declared by Respondents on 12.03.2014, determining amount of compensation receivable by petitioners in respect of acquisition of the property belonging to them, for public purpose. Although award has been declared on 12.03.2014, determination of amount of compensation was in accordance with Land Acquisition Act, 1894 and not in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, "Act of 2013").

3 An affidavit-in-reply has been presented on behalf of Respondents by the Deputy Collector, Land Acquisition, Nanded, wherein it has been stated that in view of the Circular issued by the Government on 09.05.2014, amount of compensation payable to the petitioners, under the award, would be determined in accordance with the provisions of Act of 2013.

4 In view of the concession given in the affidavit-in-reply, award passed by the Land Acquisition Officer on 12.03.2014 stands quashed, so far as it relates to determination of amount of compensation. Respondents shall determine amount of compensation in accordance with Act of 2013 and shall declare the award within a period of six months from today. It is clarified that proceedings of acquisition, until the stage of determination of amount of compensation, shall be deemed to be valid. Petitioners shall be entitled to receive difference of amount of compensation

determined under the award, that would be declared in accordance with Act of 2013.

5 Rule is made absolute to the extent specified above.
There shall be no order as to costs.

A.I.S.CHEEMA
JUDGE

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R.M.BORDE
JUDGE