

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.11950 OF 2016

Appasaheb s/o Rakhmaji Dighe,
R/o Kolhewadi, Tal. Sangamner,
District Ahmednagar.

Petitioner

Versus

1 The State of Maharashtra,
through its Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai-32.

2 The Collector, Ahmednagar,
District Aurangabad.

3 The Special Land Acquisition
Officer No.19, having office at
Ahmednagar, at Ahmednagar.

Respondents

WITH
WRIT PETITION NO.11951 OF 2016

1 Rakhmaji Ganpat Dighe,
dead, through legal heirs:

1-A Appasaheb s/o Rakhmaji Dighe,
age: 59 years, Occ: Agril.,
R/o Kolhewadi, Tal. Sangamner,
District Ahmednagar.

Petitioner

Versus

1 The State of Maharashtra,
through its Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai-32.

2 The Collector, Ahmednagar,
District Aurangabad.

3 The Special Land Acquisition
Officer No.19, having office at
Ahmednagar, at Ahmednagar.

Respondents

Mr.S.K.Shinde, advocate for the petitioner/s
Mr.S.J.Salgare, A.G.P. for Respondents.

**CORAM : R.M.BORDE &
SANGITRAO S. PATIL, JJ.
DATE : 07th December, 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 herein, whose lands are stated to have been
acquired, are similarly placed like the petitioners in Writ Petitions
No.1003 of 2013 and 2862 of 2016, decided by the Division Bench
of this Court. The lands of the petitioners herein are covered by
same Section 4 Notification which was a matter of consideration in
aforesaid two decided writ petitions.

3 It is the contention of petitioners that award has been
declared by Respondents in breach of provisions of Section 11-A of
the Land Acquisition Act and as such, whole proceedings,
including the award, which has been declared beyond stipulated
period prescribed under Section 11-A of the Land Acquisition Act,
is void. The contention raised by similarly placed petitioners has
been accepted in the aforesaid two decided matters.

4 Considering this aspect and applying the principle of parity, instant petitions also deserve to be allowed and same are accordingly allowed.

5 The award dated 08.03.1996, passed by the Special Land Acquisition Officer, Ahmednagar, which is the subject matter of instant petitions, stands quashed and set aside. This, however, shall not preclude respondents from initiating fresh land acquisition proceedings, if deemed essential, in observance of provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. In the event, petitioners have received amount of compensation, they shall refund the amount together with interest @ 6% p.a., which shall be calculated from the date of receipt of payment. If possession of the land has already been taken by the Respondents, same shall be restored back to the petitioners. Petitioners shall refund the amount of compensation, if already received by them, together with interest, as expeditiously as possible and preferably within a period of three months from today; and it is accordingly directed. If the respondents have received possession, in pursuance to the declaration of award, same shall be redelivered to the petitioners within the period stipulated above. Such of those petitioners, who have received the amount in pursuance to the declaration of award, shall submit an undertaking to this Court, within a period of fifteen days from today, agreeing to repay the amount, within a period of three months from the date of this order.

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

(SANGITRAO S. PATIL)

JUDGE

adb/wp1195016

(R.M.BORDE)

JUDGE