

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1672 OF 2016

Siddi Yousuf Hyder s/o
Siddi Hyder Hussain
Age: 81 years, occu: Agril
R/o Hyder Baugh No.2
Behind Devi Mandir,
Degloor Naka to Maltekdi Road,
At & Dist. Nanded

Petitioner

Versus

- 1 The State of Maharashtra
Through Collector, Nanded
Tq. & Dist. Nanded
- 2 The Deputy Collector
(Land Acquisition, Building
& Communication), Nanded
- 3 Nanded-Waghala City Municipal
Corporation, Nanded
through Municipal Commissioner,
Nanded, Dist. Nanded
- 4 Taluka Inspector of Land Records
Nanded

Respondents

Mr. P.G. Godhamgaonkar advocate for the petitioner
Mr. V.M. Kagne Assistant Government Pleader for Respondent No.1, 2,
4
Mr. S.P. Urgunde advocate for respondent No.3.

CORAM : R.M. BORDE &
K.L. WADANE, JJ

(Date : 5th APRIL, 2017.)

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

2 Rule. With the consent of the parties, petition is taken up for final disposal at admission stage.

3 According to the petitioner, an area to the extent of 481 square meters out of survey No.117/B situated at Nanded has been taken in possession by the respondent Corporation for public purposes. The petitioner was served with a notice under section 9(3) of the Land Acquisition Act on 13.9.2011 and after following the procedure prescribed under law, Award came to be declared on 23.10.2012. Although the Award declared by the Land Acquisition Officer records the name of the petitioner, in E-statement as well as body of the Award, though the amount of compensation payable to the petitioner has been determined, the amount was not disbursed on account of mistake occurred in preparing the E-statement. In the E-statement prepared by the respondent Collector, the survey number of the acquired land has been wrongly recorded as 118/A instead of 117/B. The petitioner was served with the notice for receiving the amount of compensation on 31.12.2013, however, amount was not paid, on

account of occurrence of the mistake in the E-statement prepared by the Collector. The petitioner tendered representation to the respondents to correct the mistake. However, no steps were taken on the ground that, the petitioner has moved after lapse of six months. In fact, it is the mistake on the part of the respondent Collector in preparing E-statement and wrongly recording the number of property. This mistake ought to have been *suo motu* corrected by the Land Acquisition Officer and the Deputy Collector. The petitioner cannot be put to blame for the mistakes those have been committed by respondent No.2. In any case, the petitioner is entitled to receive the amount of compensation determined by the Land Acquisition Officer in respect of the acquired land and we direct the respondents to pay the amount as expeditiously as possible and preferably within a period of four months from today, together with interest till the date of payment.

4 With the directions as above, the writ petition is disposed of.

(K.L. WADANE, J)

(R.M. BORDE, J)