

((1))

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

WRIT PETITION NO.5079 OF 2004

Smt. Shaileja w/o Dnyanoba Mundhe
Age 36 years, Occ. Housewife,
R/o Tambewadi, Tq. Paranda,
District Osmanabad
(at present residing at Shirur,
Taluka and District Beed

... PETITIONER

VERSUS

1. The State of Maharashtra
through its Secretary to the
Government of Maharashtra in
Revenue & Forest Department,
Mantralaya, Fort, Mumbai
2. The Collector,
Osmanabad
3. The Additional Collector/
Enquiry Officer, Osmanabad
4. The Special Land Acquisition Officer,
Minor Irrigation Canal, Osmanabad
(H.O. Paranda, District Osmanabad)
5. The Tahsildar,
Paranda, District Osmanabad

(Copies to the respondents be served
on Govt. Pleader, High Court,
Aurangabad)

... RESPONDENTS

.....
Shri B.A. Shinde, A.G.P. for respondents

.....

((2))

CORAM: RAVINDRA .V. GHUGE AND
 SUNIL K. KOTWAL, JJ.

DATED : 2nd NOVEMBER, 2017.

ORAL JUDGMENT (PER RAVINDRA V. GHUGE, J.):

1. Since none appeared for the petitioner on 1/11/2017, we posted the matter today. Even today, none appears for the petitioner.

2. Learned A.G.P. submits that, this petition is identical to Writ Petitions No.3384, 3385 and 3386 of 2004, which have been decided by judgment of this Court, dated 10/3/2005. He, therefore, submits that, as this petition stands on identical set of facts, the same order could be passed in this matter.

3. Considering the above, this petition is allowed in terms of the following order :

ORDER

- (i) The action initiated for recovery of amount against the petitioner is set aside.
- (ii) The Collector shall, after giving reasonable opportunity of hearing to the petitioner, effect an amendment if required, in the Land Acquisition

((3))

Award. If the amendment is effected in the Land Acquisition Award, a copy of the same should be given to the petitioner.

- (iii) The Collector shall record a finding as to whether any person has received excess amount and, thereafter, he shall effect an amendment to the award. Pursuant thereto, he can initiate proceedings for recovery of the excess amount against the concerned persons.

4. Rule is made absolute in the above terms.

(SUNIL K. KOTWAL)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

fmp/