

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9768 OF 2016

Yadavrao s/o Pandurang Pawar,
Age : 60 years, Occu. Advocate
and Agriculture, R/o Ranjangaon,
Tq. Chalisgaon, Dist. Jalgaon,
at present Aurangabad

PETITIONER

VERSUS

1. The Union of India,
through its Secretary,
Ministry of Road, Transport
and Highways, New Delhi
2. The State of Maharashtra,
through its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai
3. The Competent Authority,
Land Acquisition and Sub-Divisional
Officer, Chalisgaon Division,
Chalisgaon, District Jalgaon
4. The Tahsildar, Chalisgaon,
Tq. Chalisgaon, Dist. Jalgaon
5. The Project Director,
Bhartiya Rashtriya Rajmarg
Pradhikaran Pariyojana
Karyanvayan EKAE, Aurangabad

RESPONDENTS

Petitioner – party-in-person present

Mrs. A.V. Gondhalekar, A.G.P. for respondent Nos. 2 to 4
Mr. S.B. Talekar, Advocate for respondent No. 5

**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.**

DATE : 13th FEBRUARY, 2017

ORAL JUDGMENT (PER : T.V. NALAWADE, J.) :

Rule, returnable forthwith. With the consent of the learned counsel for the parties and the learned A.G.P., heard finally.

2. The petition is filed for giving directions to respondent No. 3 to decide the representations/applications submitted by the petitioner with regard to the liability fixed on him to pay nazrana amount.

3. It is the case of the petitioner that his land, which is acquired for road widening purposes for National Highway No. 211, was never an inam land and there was no question of making any payment of nazrana for transferring the land. It is his case that without hearing him or behind his back, the aforesaid order of reduction of 10% amount from the amount of compensation is passed by the authority – respondent No.3. The petitioner placed reliance on Mutation Entry No. 7051 of village Ranjangaon, Taluka Chalisgaon, which is sanctioned in September, 2004 and it is to the effect that during the period from 1960 to 1963, a condition was mentioned in other rights column; however, that entry was a mistake as it was not an inam land. The order was passed by the Competent Authority in the year

2016.

4. Considering the possibility that there is some record available with the Authority showing that it was not an inam land, this Court holds that the matter needs to be reconsidered by the Authority. The other reliefs claimed in the petition cannot be granted.

5. In the result, the Writ Petition is partly allowed. The order passed by the Competent Authority – respondent No. 3, thereby deducting 10% amount from the amount of compensation, in respect of land acquisition, on the ground that it was nazrana amount and the land was inam land, is hereby set aside. The matter is remanded to respondent No. 3 for re-consideration after giving hearing to the petitioner. Rule is made absolute in those terms. The Writ Petition stands disposed of. No costs.

[SANGITRAO S. PATIL]
JUDGE

[T.V. NALAWADE]
JUDGE

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