

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

**Writ Petition No. 11758 of 2017**

District : Latur

1. Mangaldas s/o. Eknath Telage  
(Telge),  
Age : Major,  
Occupation : Agriculture.
2. Pandhari s/o. Tukaram Telage  
(Telange),  
Age : Major,  
Occupation : Agriculture.
3. Ram Tukaram Telage (Telange),  
Age : Major,  
Occupation : Agriculture.
4. Shrikant Pandhari Telage  
(Telange),  
Age : Major,  
Occupation : Agriculture.
5. Shakuntala w/o. Pandhari Telage  
(Telange),  
Age : Major,  
Occupation : Agriculture.
6. Arvind s/o. Pandhari Telage  
(Telange),  
Age : Major,  
Occupation : Agriculture.
7. Amarnath s/o. Narsing Telage  
(Telange),  
Age : Major,  
Occupation : Agriculture.
8. Sainath s/o. Pandhari Telage  
(Telange),  
Age : Major,  
Occupation : Agriculture.

9. Balaji s/o. Venkati Telage  
(Telange),  
Age : Major,  
Occupation : Agriculture.
10. Keshav s/o. Eknath Telage  
(Telge),  
Age : Major,  
Occupation : Agriculture.
11. Gayabai Keshav Telage  
(Telge),  
Age : Major,  
Occupation : Agriculture.
12. Ramdas s/o. Eknath Telage  
(Telge),  
Age : Major,  
Occupation : Agriculture.
13. Santosh Keshav Telage  
(Telge),  
Age : Major,  
Occupation : Agriculture.
14. Gorakhnath s/o. Keshav Telage  
(Telge),  
Age : Major,  
Occupation : Agriculture.
15. Jalindarnath Mangaldas Telage  
(Telge),  
Age : Major,  
Occupation : Agriculture.
16. Sudarshan Mangaldas Telage  
(Telge),  
Age : 17 years,  
Occupation : Education,  
U/G of Ashabai Mangaldas  
Telage.
17. Om Ramdas Telage (Telge),  
Age : Minor,  
Occupation : Education,  
U/g. Chhayabai Ramdas  
Telage (Telge).

18. Kalabai Raghunath Suryawanshi,  
Age : Major,  
Occupation : Agriculture.
19. Fulabai Raghunath Suryawanshi,  
Age : Major,  
Occupation : Agriculture.
20. Shrinivas Mangaldas Telage  
(Telge),  
Age : Major,  
Occupation : Agriculture.
21. Dhondubai Madhav Shinde,  
Age : Major,  
Occupation : Agriculture.
22. Limbraj Gangadhar Telage  
(Telge),  
Age : Major,  
Occupation : Agriculture.
23. Ram Gangadhar Telage (Telge),  
Age : Major,  
Occupation : Agriculture.
24. Bhagwat Ram Telage (Telge),  
Age : Major,  
Occupation : Agriculture.
25. Pratima Laxman Telage (Telge),  
Age : Major,  
Occupation : Agriculture.
26. Vishal Uttam Telage (Telge),  
Age : Major,  
Occupation : Agriculture.
27. Shailesh Uttam Telage  
(Telge),  
Age : Major,  
Occupation : Agriculture.
28. Uttam Gangadhar Telage  
(Telge),  
Age : Major,  
Occupation : Agriculture.

29. Laxman Gangadhar Telage  
(Telge),  
Age : Major,  
Occupation : Agriculture.

30. Sangram Gangadhar Telage  
(Telge),  
Age : Major,  
Occupation : Agriculture.

Petitioner Nos.1 to 30  
R/o. Vilegaon,  
Taluka Ahmedpur,  
District Latur.

.. Petitioners.

**versus**

1. The State of Maharashtra,  
Through the Collector,  
Latur, Taluka & Dist. Latur.

2. The Special Land Acquisition  
Officer,  
Ahmedpur, Taluka Ahmedpur,  
District Latur.

3. Executive Engineer,  
Minor Irrigation Division,  
Latur, Taluka & Dist. Latur. .. Respondents.

.....

*Mr. Gajanan K. Sontakke, Advocate, for petitioners.*

*Mr. S.P. Sonpawale, Asst. Government Pleader, for  
respondents no.01 to 03.*

.....

**CORAM : R.M. BORDE &  
SMT. VIBHA KANKANWADI, JJ.**

**DATE : 29TH SEPTEMBER 2017**

**ORAL ORDER :**

01. Petitioners are objecting to the award

passed by the Land Acquisition Officer on 11.01.2016. According to the petitioners, the proceedings ought to have been taken up under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [**For short, "Act of 2013"**]. The petitioners contend that the declaration of award is bad since the same has not been declared within the period stipulated under Section 6 of the Land Acquisition Act, 1894 [**For short, "Act of 1894"**].

02. The publication of declaration under Section 6 of the Act of 1894 in the local newspaper is dated 20.02.2013, whereas award has been declared on 11.01.2016. In the instant matter, determination of amount of compensation is in accordance with Section 24 of the Act of 2013. Section 24 of the Act of 2013 provides that where no award under Section 11 of the Land Acquisition Act, 1894 has been made, then, all provisions of the Act of 2013 relating to the determination of compensation shall apply. The Act of 2013 is enforced since 01.01.2014 and within the time stipulated under the Act of 2013, the award has been declared.

03. The argument advanced by the petitioners, relying upon Section 11A of the Act of 1894, is not acceptable for the reason that before completion of the period provided under Section 11A, the Act of 2013 is enforced and as such, the bar contained in the old Act is not attracted and the situation is

governed by Section 24 of the Act of 2013.

04. In view of the above, there is no substance in the contentions raised by the petitioners. The petitioners shall have entitlement to challenge the award by taking recourse to alternate remedies provided under the Act of 2013.

05. With the liberty, as above, the Writ Petition is disposed of.

( Smt. Vibha Kankanwadi )  
JUDGE

( R.M. Borde )  
JUDGE

.....