

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

WRIT PETITION NO. 10173 OF 2016
WITH WP/10174/2016 WITH WP/10175/2016

M/S ANIRUDDHA ENTERPRISES NANDED THROUGH ITS PARTNER
SANJAY RAMRAO BHAYEKAR

VERSUS

THE COLLECTOR COLLECTORATE NANDED AND OTHERS

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Advocate for Petitioners : Mrs.Deshpande Geeta L.
AGP for Respondents/ State : Mrs.A.V.Gondhalekar.

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**CORAM: S.C. DHARMADHIKARI
AND
MANGESH S. PATIL, JJ.**

DATE :- 04th August, 2017

PC.:

1 The Petitioners' case in these petitions is that there was an award made by the Land Acquisition Officer. The Land Acquisition Officer made that award on 07.11.2013. The Petitioners at that time gave consent for disbursement of the amount of compensation to the concerned plot holders. The Petitioners gave the consent in the form of an undertaking along with the list of plot holders. The Petitioners did not desire to obtain the sum which, according to the Petitioners, is balance amount under the award. The Petitioners, who may not accept the amounts or may accept the award sums under protest, have sought enhancement in the same, but throughout they have been requesting that the compensation amount be

disbursed in its entirety.

2 If the awarded amount has not been paid in full and if there is balance payable to the Petitioners, then, the Petitioners' representations including one dated 15.11.2014, 14.11.2016 and present petitions, be taken as a request to make the remaining payment. While considering this claim, the Land Acquisition Officer shall not be influenced by his reply dated 02.06.2016 or the stand taken in the affidavit.

3 If indeed the balance sum is due and payable to the Petitioners and particularly as asserted in the petitions and the affidavit in rejoinder, then, let that sum be disbursed as expeditiously as possible and within a period of THREE MONTHS from the date of the decision of the representations. We have issued this direction in the facts peculiar to this case.

4 The Petitioners had pointed out in the petitions and even in the rejoinders that the land was acquired for central administrative building and other Government offices in Nanded city. Before issuance of the Notification under Section 4 of the Land Acquisition Act, 1894, the Petitioners sold some plots and the registered Sale Deeds were produced. The names of the plot holders were mutated in the 7/12 extracts. Some plot holders did not take this step. Yet, the Respondents issued separate notices under Section 12(2) of the Land Acquisition Act, 1894 to those who had mutated their names. Since these other plot holders did not have

these entries of their names in the revenue record, the Petitioners assisted them by filing the affidavits. The Petitioners gave consent for disbursing the amount of compensation to them. There was list drawn up and after verification of the registered Sale Deeds, the Respondents have disbursed the amount of compensation to them. The reciprocal consent of the plot holders was also obtained on affidavit for disbursing to the Petitioners the compensation for remaining areas/ portions which stood in the names of the Petitioners in the records.

5 Since the Petitioners have annexed all these documents along with the petitions and the rejoinder and we do not find any denial specifically of these averments, we are directing that if these documents are available in the original records, then, while considering the representations and contents thereof, the same be taken into account and the remaining sums be disbursed to the Petitioners. The Writ Petitions are, accordingly, disposed of. The decision may be taken as expeditiously as possible and within a period of THREE MONTHS from the date of receipt of the copy of this order.