

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

WRIT PETITION NO. 10311 OF 2016

1. Anna S/o Bapu Sinare,
Dead through legal heirs

1-A Madhav S/o Anna Sinare,
Age : 60 Years, Occu. : Agril.,

1-B. Pandurang S/o Anna Sinare,
Age : 65 Years, Occu. : Agril.,

R/o Chikhli, Tq. Sangamner,
Dist. Ahmednagar.

.. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai - 32.

2. The Collector, Ahmednagar,
Dist. Ahmednagar.

3. The Special Land Acquisition Officer
No. 3, having office at Ahmednagar,
At Ahmednagar.

4. The Executive Engineer,
Uppar Pravara Dam Division,
Sangamner (Ghule wadi),
Tq. Sangamner, Dist. Ahmednagar.

.. Respondents

Shri S. K. Shinde, Advocate for the Petitioner.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 3.

Shri B. R. Surwase, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
S. M. GAVHANE, JJ.**

DATE : 09TH NOVEMBER, 2017.

ORAL JUDGMENT (Per S. V. Gangapurwala, J.) :-

. Rule. Rule made returnable forthwith. With the consent of parties taken up for final hearing.

2. Mr. Shinde, the learned advocate for the petitioner submits that, the land of the petitioner was acquired under the award dated 24th August, 2001, however, subsequently the award has been cancelled and the land has been deleted from acquisition U/Sec. 48(1) of the Land Acquisition Act, 1894. The learned counsel further submits that, pursuant to the award passed, the petitioner has received the amount of compensation as per the award, however, the name in the revenue record is mutated of the Collector Ahmednager and the name of the petitioner is not mutated. The petitioner is ready to refund the amount received under the award dated 24.08.2001.

3. Mr. Surwase, the learned counsel for the respondent No. 4/acquiring body accepts that, acquiring body has not taken

possession of the petitioner's land and the acquiring body is not in need of the said land.

4. We have also heard the learned Assistant Government Pleader for respondents/State.

5. It is not disputed by either of the parties that award stood lapsed U/Sec. 48(1) of the Land Acquisition Act. The land of the petitioner is deleted from acquisition. The petitioner certainly cannot retain the benefit received by him under the award. The petitioner shall refund the amount received by him under the award along with interest at the rate of 6% per annum from the date of receipt of the amount till repayment of the amount. Upon repayment by the petitioner as directed above, the name of the Collector, Ahmednagar shall be deleted from the revenue record and name of the petitioner be taken accordingly, in accordance with law.

6. Rule accordingly is made absolute in above terms. No costs.

Sd/-

[S. M. GAVHANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]