

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

951 WRIT PETITION NO. 8555 OF 2018

NARAYAN BAJIRAO ITHAR AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Avinash D. Aghav, Advocate for the Petitioners.

Mr. N. T. Bhagat, AGP for Respondents-State.

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**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

DATED : 26th JULY, 2018.

PER COURT:-

1. The learned counsel for the petitioners submits that the other persons of the adjoining area have been granted more compensation amount than the petitioners. The petitioners had filed a representation to the Collector for enhanced compensation amount, as is given to the other adjoining land holders. Instead of representation being decided by the Collector, the Sub Divisional Officer decided the representation. The Sub Divisional Officer had orally given assurance that the petitioner would be paid compensation, as is paid to the adjoining land holders. This Court also directed the Collector to decide the representation under order dated 19.09.2017 in Writ Petition No.10645/2016.

2. We have heard learned A.G.P. also.

3. The Award is a Consent Award, wherein the petitioners entered in an agreement to receive compensation at the rate of Rs.23,00,000/- per acre. Some of the petitioners sold the land to respondent by registered sale deed. In acquisition cases, there cannot not be any oral assurance. The acquisition has culminated into Award and the sale deeds. The Award being consent Award and the sale deeds having been executed on own volition, now cannot be assailed.

4. Another grievance of petitioners that the Collector ought to have decided the representation also would not withstand. In view of the fact that award is passed by the Sub Divisional Officer and it is deemed that he would have the authority to deal with the matter.

5. In view of the above, we are not inclined to consider the grievance of petitioners. Writ petition is disposed of. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE