

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 8610 OF 2012**

Randawani Bhagwat Ingole

..

Petitioner

Versus

The State of Maharashtra and others

..

Respondents

Shri. N. K. Tungar, Advocate for Petitioner.

Shri. S. S. Dambe, Advocate for Respondent No. 4.

Shri. A. V. Deshmukh, A.G.P. for Respondent No. 1.

CORAM : S.V. GANGAPURWALA AND**R. G. AVACHAT, JJ.****DATED : 24th October, 2018****PER COURT:**

. Mr. Tungar, the learned counsel submits that the award to the extent of 44 R land owned by the petitioner from Gut No. 217/220 at village Palwan, Tq. & Dist. Beed is not passed though the same is acquired by the respondents. The acquisition of the said land is without following due process of law. The petitioner owns 95 R land in Gut No. 217/220 of village Palwan. The award is published on 21.01.2009. The petitioner is a illiterate lady. She only knew that the land is acquired. In

fact, the entire land of the petitioner is acquired but award is passed only to the extent of 51 R. Rest of the land of the petitioner is not included in the award. No compensation is paid for the remaining 44 R land. The respondent be directed to acquire the remaining 44 R land. The respondents may initiate joint measurement and take further steps.

2. Mr. Deshmukh, the learned A.G.P. submits that the award is passed under section 11 of the Land Acquisition Act on 22.01.2009 and the compensation of the acquired land is paid to the petitioner.

3. It is the contention of the petitioner that the petitioner being an illiterate lady did not understand the ramification of the consent given by the petitioner for payment of compensation amount to the others and accepting the compensation for only 10 R land. In the writ jurisdiction under article 226 of the Constitution of India it would not be possible to enter into the disputed questions of fact. Whether the consent was freely given or not would require evidence to be recorded. The same would not be permissible under the writ jurisdiction.

4. It appears that the petitioner was issued notice and while disbursing the amount, the petitioner has given the consent letter which

is placed on record. The consent letter specifically states that only 10 R land of the petitioner is acquired.

5. In view of that it would not be possible to investigate the disputed question of fact.

6. The petitioner may if so advised take up any other proceedings as may be permissible in law in respect of the land acquired. Writ petition is disposed of. No costs.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

ass/wp 8610.12