

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10617 OF 2017

Mahadu Ganu Pabalkar (Pawar)
(Dead) Through Legal heirs,
Kisan Mahadu Pabalkar (Pawar)
Dead Through L. Rs
Savitri Kisan Pabalkar (Pawar) and others .. **Petitioners**

Versus

The State of Maharashtra and others .. **Respondents**

Shri S. K. Shinde, Advocate for the Petitioners.
Shri P. S. Patil, Addl. G. P. for Respondent Nos. 1 to 4.
Shri P. N. Mule h/f Shri Sunil D. Kaldate, Advocate for
Respondent No. 5.

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 6th March, 2018

PER COURT :

1. Learned advocate for the petitioners submits that the award was passed in respect of the writ lands in the year – 1987. The amount of compensation was received by the petitioners. Learned advocate for the petitioners submits that the reference under Section 18 of the Land Acquisition Act, was not filed. The

learned advocate further submits that, the land is in possession of the present writ petitioners. The acquiring body is not in need of the land as such the award be quashed and set aside.

2. Learned advocate for the acquiring body states that the affidavit is filed by the acquiring body accepting the fact that the land is not required by the acquiring body, as the project itself is disbanded.

3. We have heard the learned Additional Government Pleader also.

4. The petitioners also refer to the order passed by this court dated 20th April, 2017, in Writ Petition No. 11953 of 2016, with connected writ petitions and submits that in the said writ petitions the acquisition and the award was same.

5. We have also considered the affidavit filed by the acquiring body which states that they are not in need of the land and the project has been disbanded. It also states that the possession of the land is with the respective petitioners.

6. In light of that, we quash and set aside the award. However, the petitioners shall repay the amount received as compensation pursuant to the impugned award to the acquiring body with interest at the rate of 6% per annum from the date compensation received till the date of payment. The said payment shall be made within a period of six weeks. The present order of the impugned award being set aside would come into force only after the petitioners makes the payment as directed above.

7. The writ petition accordingly stands disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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