

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

M.C.A. NO.549 OF 2017 [FOR RESTORATION]

IN

WRIT PETITION NO.589/2016 [D]

[Kisanrao Rambhau Rajgure and others .vs. The Collector (Land Acquisition), Amravati
and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri U.K. Bisen, Advocate for petitioners,
Ms. T.H. Khan, AGP for R-1.

CORAM : B.P. DHARMADHIKARI AND
MRS. SWAPNA JOSHI, JJ.

DATED : JANUARY 22, 2018

Though the counsel should have appeared first before this court, he avoided to remain present. Still we have condoned the lapse and tried to find out what is the merit in this writ petition.

2] Advocate Bisen contends that award dated 20.1.2015, in case of others, who opposed the acquisition proceedings is under Land Acquisition Act, 1894 and it pays more compensation.

3] Petitioners have executed sale deeds of their lands and have received agreed sale consideration way back in 2009. They are relying upon a Government Resolution allegedly issued in 2006 to urge that they were to be paid compensation as per Land Acquisition Act, 1894. Grievance about alleged non payment of such compensation has been made for the first time in

writ petition filed before this court in 2016. Not only this the Award dated 20.1.2015 in relation to those who opposed the acquisition is under the new Act i.e. the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013. In this situation, we are not inclined to restore the writ petition which has been dismissed.

4] With liberty to petitioners to take such other steps as are open in law and leaving all contentions of the respondents in the matter open, we dispose of this proceeding.

JUDGE

JUDGE

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