

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

WRIT PETITION NO. 11202 OF 2018

Abasaheb /o Dattatraya Deshmukh and Ors. ...Petitioners

Versus

State of Maharashtra and Ors. ...Respondents

Mr S.E. Shekade, Advocate for Petitioners
Mr P.S. Patil, Additional Government Pleader for
Respondent Nos. 1 to 3
Mr B.R. Surwase, Advocate for Respondent No. 4

**CORAM : S.V. GANGAPURWALA AND
A.M. DHAVAL, JJ.**

DATE: 23rd JANUARY, 2019

ORAL ORDER :

1. The land of the petitioners has been acquired and Award has been passed on 21.04.2014. However, it appears that the compensation has been calculated and paid as per the Land Acquisition Act, 1894. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 came into force from 01.01.2014. If the cases of acquisition proceedings were pending as on the said date, then the provisions of the Act of 2013 would apply as per Section 24 (1) (a) of the Act of 2013.

2. In light of the above, the compensation awarded as per the Act of 1894 cannot be sustained. The respondent shall re-calculate the amount of compensation as per the provisions of Act of 2013 and pass Award accordingly. The amount of compensation as computed under the Act of 2013, shall be paid to the petitioners after deducting the amount already paid under the Award passed on 21.04.2014. The same shall be done expeditiously and preferably within a period of four months from today.

3. The writ petition is disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

mta