

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14257 OF 2018

AJINATH KARBHARI BADE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

...

Advocate for Petitioners : Mr. Bade Patil K. D.
AGP for Respondents No. 1 & 2 : Mr. V. M. Kagne
Advocate for Respondent No. 3 : Mr. S. B. Patil

...

CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.

DATE: 07th JUNE, 2019

PER COURT:

1. We have heard Mr. Bade Patil, learned Advocate for the petitioners and the learned A.G.P. for respondents no. 1 and 2 and Mr. Sham B. Patil, learned Advocate for respondent no. 3.

2. The Sub Divisional Officer and Special Land Acquisition Officer, Pathardi has filed affidavit in reply. The affidavit reads thus -

“...

4. I say and submit that, though the name of the Ramrao Baburao Bade appeared only in the award but the award discloses that the payment is for entire land and the payment of

the awarded amount is also received by the present petitioners along with Ramrao Baburao Bade. The copy of the relevant extract of award dated 8.3.1985 along with CC receipts on which the thumb impression of Ramrao Baburao Bade along with present petitioners appeared, which clearly suggests that, entire payment of the award of the land acquisition has been received by the petitioners along with Ramrao Baburao Bade.

5. I say and submit that, there is no name of the petitioners in the award but actual payment has been received by the petitioners and to that effect thumb impression for receipt of payment is appeared in the record, hence there is no right to the petitioner to come before this Hon'ble High Court for claiming compensation.

6. I say and submit that, the land acquisition proceedings has been started in the year 1982 and award is passed in the year 1985 and the amount is also paid to all the claimants including the petitioners in the year 1985 itself."

3. As the petitioners have already received the compensation amount and they have also signed the vouchers way back in the year-1985, the grievance now of the petitioners cannot be considered.

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

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

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