

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

Writ Petition No. 01131 of 2019

District : Aurangabad

1. Sherkhan s/o. Bahadar Khan,
Age : 75 years,
Occupation : Agriculture,
R/o. Limbejalgaon,
Taluka Gangapur,
Dist. Aurangabad.
2. Anwarkhan s/o. Hasankhan,
Age : 60 years,
Occupation : Agriculture,
R/o. Turkabad,
Taluka Gangapur,
Dist. Aurangabad.
3. Chand Khan s/o. Bahadar Kha
(Died) through L.R.,

A. Sandalbee w/o. Chand Khan,
Age : 75 years,
Occupation : Agriculture,
R/o. Limbejalgaon,
Taluka Gangapur,
Dist. Aurangabad.
4. Smt. Sugarabee w/o. Aziz,
Age : 55 years,
Occupation : Agriculture,
R/o. Turkabad,
Taluka Gangapur,
Dist. Aurangabad.

.. Petitioners.

versus

1. The State of Maharashtra,
Through Principal Secretary,
Irrigation Department,
Mantralaya, Mumbai - 400 032.

2. The Divisional Commissioner
(Land Acquisition),
Aurangabad Division,
Aurangabad.

3. The Collector,
District Collector Office,
Aurangabad.

4. The Deputy Collector
(Land Acquisition Officer),
Vaijapur,
District Aurangabad.

5. The Executive Engineer,
Minor Irrigation,
Division no.1, Aurangabad,
District Aurangabad.

.. Respondents.

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Mr. Kayyum N. Shaikh, Advocate, for the petitioners.

*Mr. S.S. Dande, Assistant Government Pleader, for
respondents no.01 to 04.*

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**CORAM : PRASANNA B. VARALE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 28TH JANUARY 2019

ORAL ORDER [Per Prasanna B. Varale, J.] :

Heard learned Counsel for the petitioners.

02. The petitioners are agriculturists and land owners. It is the submission before this Court, that the respondents - authorities acquired the lands and declared award. It is then submitted, that being

aggrieved by the meagre amount of compensation, the petitioners have approached competent authority i.e. Land Acquisition Officer, Vaijapur, District Aurangabad, submitting claim under Section 28A of the Land Acquisition Act, 1894, for re-determination of the amount of compensation. Learned Counsel for the petitioners submitted that the application was filed in the year 2000 and the petitioners were hopeful of an early decision on the application. It is also submitted by the learned Counsel, that the land was the only source of earning livelihood. As such, the petitioners time and again approached the authorities by way of representations and such of the last representation is submitted to the Collector, Aurangabad, on 06-04-2017 by way of a legal notice. Copy of the notice is placed on record.

03. Considering these facts and the limited grievance of the petitioners, that the application is pending before the Land Acquisition Officer, Vaijapur, District Aurangabad, for decision since long, we are of the opinion that the petition itself can be disposed of at admission stage with directions and these directions would not cause any prejudice to the respondents - authorities.

04. Resultantly, respondent no.04 - Land Acquisition Officer, Vaijapur, District Aurangabad, is directed to decide the application submitted by

the petitioners, under Section 28A of the Land Acquisition Act, 1894, as early as possible and not later than 16 (sixteen) weeks from the date of this order. Needless to state, that the respondent no.04 shall decide the application on its own merits.

05. With the above directions, the writ petition is disposed of.

(Smt. Vibha Kankanwadi)
JUDGE

(Prasanna B. Varale)
JUDGE

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