

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

903 WRIT PETITION NO.3847 OF 2019

VITTHAL GOVIND PAWAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Shinde S.K.
AGP for Respondents/State : Mrs. M.A. Deshpande
Advocate for Respondents : Mr. Deshpande Ram B. for R/5

...

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

DATE : 12.06.2019

PC. :-

Heard. Issue notice to the respondents, returnable on 24.07.2019.

Learned A.G.P. waives service of notice on behalf of respondent nos. 1 to 4.

Mr. Deshpande the learned advocate appears for respondent no.5.

2. The respondent no.4 has filed an affidavit to the effect that due to change in the alignment of Nilwande dam the acquired land cannot be utilised and the possession was also not taken. In respect of the same acquisition the land of others have been released from acquisition as per the order passed by this Court in Writ Petition No. 10617 of 2017 and other writ petitions dated 06.03.2018.

3. 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 make the payment as directed above.

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

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]