

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

WRIT PETITION NO. 1106 OF 2018

Pandit Tukaram Shinde and Ors.

...PETITIONERS

VERSUS

The State of Maharashtra & ors.

...RESPONDENTS

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Mr A.B. Kale, Advocate for petitioners
Mrs. P.V. Diggikar, Assistant Government Pleader for
Respondent Nos. 1 to 3

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

DATED : 23rd January, 2019

ORAL ORDER :

1. The petitioners assail the order rejecting their application for grant of interest under section 34 of the Land Acquisition Act, 1894.

2. We have heard the learned Counsel Mr. Kale for the petitioners and the learned Assistant Government Pleader.

3. It is submitted by the learned Counsel for the petitioners that the petitioners had given written notes of argument, so also, all the documents. The order does not depict that the Dy. Collector, Land Acquisition has considered the same. In one line order, "the application is rejected". If the authority was of the opinion that the interest under section 34 of the Land Acquisition Act cannot be

granted, the reasons ought to have been given for the same.

4. The impugned order is quashed and set aside. The Dy. Collector, Land Acquisition (Lasika), Jalna shall decide the application of the petitioners for grant of interest under section 34 of the Land Acquisition Act afresh on its own merits after considering the submissions of the petitioners and pass the reasoned order thereon.

5. The petitioners shall appear before the authority on 11th February, 2019. After hearing the petitioners, the authority shall decide the application of the petitioners expeditiously and preferably within a period of three months from the date of appearance.

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

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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