

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10749 OF 2017

Shri. Srirang Devram Gadadare and anr. ...Petitioners

Vs.

Dashrath Tukaram Raut and ors.
...Respondents.

WITH
WRIT PETITION ST. NO. 7470 OF 2017

Sonaba Gangaram Khaladkar and ors. ...Petitioners.

Vs.

Dattu Nathu Jogade and ors. ...Respondents.

Mr. S.S.Salunkhe for the Petitioners.

Mr. R.S.Pawar, AGP. for Respondent Nos. 2 to 6.

Mr.Akshay Patil i/by S.K.Legal Associates for Respondent Nos.1 to 4 in
W.P.St. No.7470/2017.

CORAM : R.M.BORDE AND V.L. ACHLIYA, JJ.

DATE : 23rd January, 2019

JUDGMENT : (Per R.M. Borde,J.)

1. Rule,

With the consent of the parties, Rule is made returnable forthwith

and petitions are taken up for final disposal at admission stage.

2. The issue raised in the instant petitions is no more res-integra and covered by the Judgment of this Court in Writ Petition No.10413 of 2017 decided on 8th January, 2019.

3. The petitioners are land owners and their landed property is subject matter of acquisition for development of Bhama Askhed Irrigation Project. The petitioners herein are similarly situated as in the case of the petitioner in decided matter. The award determining the amount of compensation in the case of the present petitioners is also same as in the case of decided matter. Since the instant matters proceed on the basis of the same facts as in the case of Writ Petition No.10413 of 2017, the directions issued by this Court while disposing of the aforesaid matter shall have to be issued in the present petitions.

4. For the reasons recorded while disposing of Writ Petition No. 10413 of 2017, the instant writ petitions are allowed. The award declared by the Land Acquisition Officer so far as it relates to the

present petitioners are concerned is quashed. Since the possession of the property has not been taken over by the acquiring body, the amount of compensation shall have to be determined by observing the procedure prescribed under the Act of 2013 . The respondents are directed to complete the acquisition proceedings in respect of determination of amount of compensation and declare the award and pay compensation so determined under award within one year from today.

5. Rule is accordingly made absolute.
6. There shall be no order as to costs.

(V.L. ACHLIYA, J.)

(R.M. BORDE, J.)