

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

WRIT PETITION NO. 9727 OF 2021

Nilesh Vasudeo Mahajan
and others

.. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Madhav M. Bhokarikar, Advocate for Petitioners.
Shri K. N. Lokhande, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.**

DATE : 02ND SEPTEMBER, 2021.

FINAL ORDER :

. Mr. Bhokarikar, the learned counsel for petitioners submits that, award dated 22.06.2020 as declared U/Sec. 23 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short "Act of 2013") is null and void. The fresh acquisition proceedings may be directed to be initiated. According to the learned counsel, the measurement was done in the year 2010. Upon said measurement further proceedings have taken place after many years. During this period there were major changes. Trees were planted. Same is not considered. There are sale transactions entered into by the parties.

2. The award is passed on 22.06.2020. The notification U/Sec.

11 of the Act of 2013 seems to have been published in the Government Gazette on 24.05.2017 and on the notice board of Tahsildar on 04.05.2017 and in the village on 25.09.2017. The declaration U/Sec. 19 of the Act of 2013 is published in the Government Gazette on 11.10.2018 and in the news paper on 10.10.2018. The award has been passed on 22.06.2020.

3. If the petitioners have any grievance with regard to the award, the provision exists under the Act of 2013 to file a reference. It is for the petitioners to avail the said remedy. If the petitioners avail the remedy, all contentions are kept open.

4. In the light of the above, the writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Sept.21