

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

89 WRIT PETITION NO.7714 OF 2021

SIDRAM CHANMALAPPA VANDARE
VERSUS
THE UNION OF INDIA AND OTHERS

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Advocate for Petitioner:

Mr. Shashikant Chalikwar h/f. Mr. Sapkal Sandip R
Standing Counsel for Respondents No. 1 & 4:

Mr. S. S. Deve

Advocate for Respondent No. 2: Mr. D. S. Manorkar

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CORAM: S. V. GANGAPURWALA &
R. N. LADDHA, JJ.

DATE: 14th SEPTEMBER, 2021

PER COURT:

1. The petitioner seeks following reliefs-

B] To Direct the respondent no. 4 Deputy Collector Land Acquisition (Manjra Project) Osmanabad/Competent Authority, National Highway no. 9 (new 65) (Khanapur to Jagdalwadi Stretch) Osmanabad to pass award for additional 900 sq.m. of acquired land of petitioner by issuing appropriate writ, order or direction in the nature of writ or as the case may be.

C] To Direct the respondent no. 4 Deputy Collector Land Acquisition (Manjra Project) Osmanabad/Competent Authority, National

Highway no. 9 (new 65) (Khanapur to Jagdalwadi Stretch) Osmanabad to disburse compensation for additional 900 sq.m. of acquired land of petitioner by issuing appropriate writ, order or direction in the nature of writ or as the case may be."

2. The affidavit is filed by the Competent Authority and Deputy Collector, Land Acquisition Manjra Project, Osmanabad. Paragraph no. 4 of the affidavit reads thus-

"I say and submit that in the First Joint Measurement Report affected area as to the extent of 6700 Sq-m is shown and in the Final Joint Measurement Report affected area as to the extent of 8600 has been shown. Area as to the extent of 6700 sq-m out of Gat No. 314 is inserted in the Original Award and award have already been declared by the Competent Authority. It is further submitted that, area as to the extent of 1900 Sq-m is inserted in the Additional Award and Competent Authority have already been declared by the Competent Authority therefore, there is no necessity for preparing the fresh award for the increased area of petitioner. Indeed it is a fact that, Deputy Superintendent of Land Records, Omerga vide it's Joint Measurement

Report has given different reports pertaining to the area of the land looser and lastly Deputy Superintendent of Land Records, Omerga on 05.09.2014 submitted his final re-measurement report. The said final joint measurement report clearly indicate that affected area belong to petitioner is increased and shown 1900 Sq-m. it is a fact of area as to the extent of 1000 Sq-m has already been inserted in the Original Award and Additional Award and compensation amount towards the acquired area have already been paid to the present petitioner and remaining area as to the extent of 900 Sq-m have already been inserted in the previous award. Therefore , there is no necessity to prepared fresh award for the increased area of the petitioner. Indeed it is a fact that, land looser Shri. Kishor Digambar Pudale is shown in the First Joint Measurement Report, the said Joint Measurement Report clearly indicate that area as to the extent of 2000 Sq-m belong to Shri. Kisor Digambar Pudale is affected in the said acquisition. But in the final Joint Measurement Report area belong to Shri. Kishor Digambar Pudale has been shown 1100 Sq-m instead of 2000 Sq-m. Therefore, payment is made to the Shri. Kishor Digambar Pudale as per final Joint Measurement Report and funds are available for making the

payment to the petitioner. It is a fact that, the increased area as to the extent of 900 Sq-m has been included in the earlier award and now for making the payment of affected area as per the re-measurement report funds are available. After application of present petitioner amount will be distributed to the petitioner at an early date and there is no necessity to make a fresh award of the increased area of the petitioner. It is further submitted that petitioner have no cause of action for filing the present Writ Petition and the Writ Petition is likely to be dismissed."

3. In view of the affidavit filed and as reproduced supra, the petitioner may approach the Competent Authority for the payment of the amount. On the petitioner making an application, the Competent Authority shall disburse the amount as clarified in the affidavit and reproduced above.

4. Writ Petition accordingly stands disposed of.
No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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