

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

39 WRIT PETITION NO.13666 OF 2019

**HANUMAN KASHINATH KALKUTE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

...

Advocate for Petitioners : Mr. Shelke Manoj U.
AGP for Respondent Nos. 1 to 4 : Mrs. R.P. Gaur

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 17.08.2022.

PER COURT :

We have heard both the sides.

2. The petitioners are claiming compensation determined by the Land Acquisition Officer pursuant to a consent award dated 03.01.2019.
3. It transpires during the course of arguments that though the extent of the land acquired remains the same that is 1-H 68-Are, according to the Land Acquisition Officer in a subsequent measurement it transpired that the award was passed on the assumption that the entire extent of 1 H 68 Are was from Survey No. 97, when in fact, on remeasurement it was found that that area was covered by some portions of different survey numbers in addition to Survey No. 97 namely Survey No. 89, 95, 96 and 102.
4. The learned advocate for the petitioners submits that accepting the fact that this acquired land falls under six different survey numbers, the petitioners are the owners of all those pieces of lands.
5. In the affidavit in reply, the Special Land Acquisition Officer has mentioned that since it is an award passed on a consent, the petitioners'

consent would be necessary for carrying out any correction. The learned advocate for the petitioners submits that the petitioners are ready to give the consent if the award is to be modified entitling them to receive the compensation.

6. The learned A.G.P undertakes to pass on the instructions to the Special Land Acquisition Officer to hear the petitioners and modify the award with their consent.

7. In the light of above, we dispose of the petition with a direction to the respondents to hear the petitioners and pass a modified award. The decision shall be taken within six weeks from today.

8. If the award is modified with the consent of the petitioners, the respondents shall pay them the compensation within twelve weeks of such modification.

(SANDEEP V. MARNE J.)

(MANGESH S. PATIL, J.)

mkd/-