

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

WRIT PETITION NO.8281 OF 2019

1. Sadashiv S/o Tukaram Sanap,
Age 77 years, Occu. Pensioner,
R/o Canal Road, Pingle Nagar,
Beed, Tq. and District Beed.
2. Shobha D/o Sadashiv Sanap,
Age 40 years, Occu. Service,
R/o As above. **... Petitioners**

Versus

1. The State of Maharashtra,
Through its Secretary,
Revenue Department,
Maharashtra State,
Mantralaya, Mumbai-32.
2. District Collector, Beed.
3. Deputy Collector (Land Acquisition),
M. I., Beed, Tq. and District Beed.
4. Deputy Chief Engineer (Construction),
Central Railway, Ahmednagar,
Railway Station, Ahmednagar. **... Respondents**

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Advocate for Petitioners : Mr. A. N. Nagargoje.
AGP for Respondents-State : Mr. A. R. Kale.
Advocate for Respondent No.4 : Mr. S. S. Rathi.

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**CORAM : R. D. DHANUKA, AND
S. G. MEHARE, JJ.**

DATE : 12.04.2022

ORAL JUDGMENT (PER R. D. DHANUKA, J.) :-

1. Rule. Learned AGP waives service of notice on behalf of respondent Nos.1 to 3 - State Authorities. Learned counsel waives service of notice on behalf of respondent No.4. Rule is made returnable forthwith and heard finally by the consent of the parties.

2. By this petition filed under Article 226 of the Constitution of India, the petitioners seek a writ of Mandamus for directing respondent Nos.2 to 4 to pay the compensation to petitioner No.1 in respect of his plot No.11, described in prayer clause "A" in the petition and further seek a writ of Mandamus to pay the compensation to petitioner No.2 in respect of her plot No.8, described in prayer clause "B" in the petition.

3. Learned counsel for the petitioners invited out attention to the affidavit-in-reply filed by respondent Nos.2 and 3 notarized on 08.04.2021 more particularly paragraph Nos.3, 4, 6, 7 and 8 and would submit that the names of petitioner Nos.1 and 2 have been included in the award dated 23.08.2018 after receiving complaints from several plot owners

including the petitioners and after taking a fresh joint measurement. In paragraph No.8 of the said affidavit, it is stated that after final disposal of the Public Interest Litigation No.2 of 2019 further steps for payment of compensation to the present petitioners would be initiated and the petitioners would be compensated accordingly.

4. By separate order passed by this Court, this Court has disposed off the said Public Interest Litigation No.2 of 2019 today.

5. In view of the fact that the names of these petitioners are now included in the award dated 23.08.2018 and in view of the fact that this Court has disposed off the said Public Interest Litigation No.2 of 2019, we direct respondent Nos.2 and 3 to take further steps for payment of compensation to the petitioners and to pay the compensation within a period of four (4) weeks from today. Statement made in paragraph No.8 is accepted.

6. Writ Petition is disposed off in the aforesaid terms. Rule is made absolute. No order as to costs.

7. Parties to act upon the authenticated copy of this order.

(S. G. MEHARE, J.)

(R. D. DHANUKA, J.)

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vmk/-