

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10624 OF 2017

RAMESH BALIRAM PAWAR AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioners : Mr. P.S. Chavan

AGP for Respondent Nos. 1 to 3 : Mr. S.G. Karlekar

Advocate for Respondent No. 4 & 5 : Mr. S.S. Dange

**CORAM : A.S. GADKARI AND
S. G. MEHARE, JJ.**

DATE : 22.02.2022

P.C. :

1. Rule. Rule made returnable forthwith. By consent of the learned counsel for respective parties, taken up for hearing.
2. Perusal of record indicates that, the lands of petitioners from Gat Nos. 196 and 198 situated at village Mauje Koudgaon, Taluka Osmanabad, have been acquired by respondent Nos. 4 and 5 as per Section 33 (2) of Maharashtra Industrial Development Act, 1961. The award dated 10.11.2008, passed by respondent No. 3 clearly mentions that, the lands of petitioners were seasonally irrigated lands and the petitioners are entitled for compensation at the rate of Rs. 6,25,000/- per Hecter.
3. It is the contention of the petitioners that, despite the said fact, the

concerned authority released compensation at the rate of Rs. 5,00,000/- per Acre, treating the lands of the petitioners as dry land / jirayat land. In pursuance of Order dated 10.01.2022, passed earlier to this, petitioners have produced on record their R/R 7/12 extract and other relevant documents showing the tenure of their lands. Learned counsel for the petitioners fairly concedes to the fact that, petitioners have been paid compensation for the pipe lines and well which was in the acquired lands.

4. A bare perusal of said revenue record would clearly indicate that, the lands of petitioners are seasonally irrigated lands. As noted earlier, even respondent No. 3 i.e. the Special Land Officer in its Award has categorically held that, the lands of the petitioners are seasonally irrigated lands.

5. In view thereof, we direct the respondents to treat the lands of the petitioners as 'seasonally irrigated lands' and award them compensation as has been mentioned in award dated 10.11.2008. Respondents are further directed to re-determine the difference of compensation which is to be paid to the petitioners within a period of four weeks from the date of receipt of present Order and disburse the differential amount to the petitioners within a period of four weeks from the date of re-determination of the said amount. In any event, this entire exercise be carried out by the respondents without shifting the burden on each other within a period of eight weeks from the date of receipt of present Order.

6. It is needless to mention that, on the belated payments of the

differential amount, petitioners are entitled for interest and other benefits under the MID, Act and / or any other relevant enactment in that behalf.

7. Petition is allowed in the aforesaid terms.

Rule is made absolute in the aforesaid terms. No order as to costs.

8. All the concerned are directed to act upon the authenticated copy of the present Order.

[S.G. MEHARE, J.]

[A.S. GADKARI, J.]