

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

949 WRIT PETITION NO.11011 OF 2021

**DNYANESHWAR BHASKAR KARPE AND OTHERS
VERSUS
STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

...

Advocate for Petitioners : Mr. Sushant V. Dixit
AGP for Respondent / State : Mr. A.S. Shinde
Advocate for Respondent No.7 : Mr. S.G. Bahalerao
Advocate for Respondent No.10 : Mr. S.S. Dixit

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

DATE : 29-09-2022

PER COURT :

. We have heard both the sides.

2. The genesis of the dispute seems to be the scheme finalized under the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act (hereinafter referred to as the 'Consolidation of Holdings Act'), wherein, according to the petitioners, there was a mistake or error in mentioning the correct names of the lands of the petitioners and that of the respondent no.10. The error has perpetuated while passing the Award under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. There is a record to demonstrate that already the petitioners have moved the office of the consolidation and even the Deputy Superintendent of Land Record, Sangamner by communication dated 03.12.2020 has indicated about complaint no. 126 of 2018 being pending under Section 32 (1) of the Consolidation of Holdings Act.

4. Needless to state that unless the revenue record is corrected pursuant to a correction in the consolidation scheme, the right to have the compensation as is being claimed by the petitioners cannot be determined.

5. The Writ Petition is disposed of by directing respondent nos.3 to 5 to decide the Complaint no.126 of 2018 filed by the petitioners by following due process of law and extending an opportunity of being heard to respondent no.10 herein and all other interested persons, as early as possible and in any event within six months from today.

6. Depending upon the result of finalization of the decision by the consolidation authorities, the right to receive the

compensation can be determined. If respondent no.10 has already received some compensation, that would obviously be subject to the outcome of the decision in the consolidation matters.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)

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