

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

WRIT PETITION NO.11452 OF 2022

Sanjay s/o Kailas Agrawal
Age: 52 years, Occu. Business,
R/o. Dhule, Tq. Dist. Dhule.

V/s.

The Asst. Collector, Nandurbar /
Land Acquisition Officer, Nandurbar
Dist. Nandurbar.

...
Advocate for Petitioner : Mr. Bagul D.S.
GP for Respondents/State : Mr. D.R. Kale
...

**CORAM : MANGESH S. PATIL &
Y.G. KHOBRADE, JJ.
DATE : 21-11-2022**

ORAL JUDGMENT :-

Heard the learned advocate for the petitioner and the learned AGP Rule. The Rule is made returnable forthwith. With the consent of both the sides the matter is heard finally at the stage of admission.

2. The petitioner was the possessor of the writ land which has been compulsorily acquired by the Government for the public project, however, by deducting 10% of the amount on the ground that it is a class-II land.

3. The issue is no more *res intergra*. This Court in several matters has consistently held that no such deduction could be made when lands are acquired compulsorily. Even the resolution dated 15.07.2010 was considered and such deduction was held to be illegal in the matters of ***Diksha Dilip Pawar & Ors. V/s. Competent Authority & Ors.***; (2022) 4 Mh.L.J. 687. A similar view has been taken by this bench also in **Writ Petition No.10324/2022** (*Niranjan Omprakash Agrawal V/s. The Competent Authority Land Acquisition*) with connected matter by the order dated 13.10.2022. We follow the same course. The Writ Petition is allowed in terms of prayer clause-A which reads as under:

"A) By way of appropriate Writ order or directions in the like nature, the respondent authority be directed to refund 10% amount which is deducted by the respondent authority at the time of passing of award."

4. Rule is made absolute in above terms.

[Y.G. KHOBRADE, J.]

[MANGESH S. PATIL, J.]