

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12458 OF 2019

Sudhabai w/o Ramkrishna Challare
Dead through LRs

Petitioners

Versus

The State of Maharashtra and others

Respondents

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Mr. S.K. Shinde, Advocate for the petitioners.
Mr. P.G. Borade, A.G.P. for respondent Nos. 1 to 3.

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**CORAM : C.V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 21 JUNE 2022

ORAL ORDER (PER C.V. BHADANG, J.) :

This petition can be disposed of as the issue is covered by the earlier decisions of this Court in Writ Petition No. 10617 of 2017 decided on 6 March 2018 and a batch of petitions being Writ Petition No. 11953 of 2016 and others decided on 20 April 2017.

2. By this petition, the petitioners are challenging the award dated 20 March 1987 passed by respondent No. 3 in respect of the land of petitioner situated at Rajur, Tahasil Akole which was

acquired for construction of Nilwande Dam-2. It appears that after the award was passed on 20 March 1987 and after the payment of compensation to the petitioner was made, the said project came to be disbanded. The petitioners and other land holders continued to be in possession of their respective lands.

3. The learned Counsel for the petitioners states that there is no Reference under Section 18 of the Land Acquisition Act filed. The Acquiring Body has filed affidavit stating that the project has been disbanded and the land is no longer required for the purposes of the said dam.

4. We have also perused the order dated 6 March 2018 passed in similar circumstances arising out of the same award.

5. In that view of the matter, we quash and set aside the Award dated 20 March 1987 subject to the petitioners' repaying the amount received as compensation pursuant to the impugned award, to the Acquiring Body alongwith interest at the rate of 6% per annum from the date of payment of compensation till the date of payment. The said payment shall be made within a period of six weeks. This order shall take effect only after the petitioners make

the payment as directed above.

6. The petition stands disposed of with no order as to costs.

SANDIPKUMAR C. MORE, J.

C.V. BHADANG, J.

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