

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

961 WRIT PETITION NO. 14117 OF 2018

DEVRAO BARKU GAIKWAD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Suresh N. Rodge
Addl. GP for Respondent Nos. 1 to 3 : Mr. P.S. Patil

...

**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 27th JANUARY, 2022

PER COURT :-

1. We have heard learned counsel for the petitioners and learned AGP for respondent-State.
2. Reply has been filed by the State stating that award has already been passed. As per the approval granted by the Collector on 30-01-2008, demand is also made for the payment of the amount and on receipt of the funds, amount of compensation would be paid to the petitioners.
3. The learned counsel for petitioners submits that possession of the land is taken in the year 2005 but till today no compensation amount is paid nor the petitioners is intimated about the award being passed.
4. The petitioners would be at liberty to file Reference under Section 18 of the Land Acquisition Act from the date of knowledge of the Award or on receipt of Notice under Section 12(2) of the Land Acquisition Act. As award is already passed and communication in respect of demand is placed on record, we direct the concerned authorities to pay the amount of compensation to the petitioners within a period of four months from today.

5. As possession of the land is already taken and only because compensation is not paid, the award would not lapse in view of the Judgment in the case of *Indore Development Authority Versus Manoharlal and others* reported in *(2020)8 Supreme Court Cases 129*.
6. With aforesaid observations, writ petition is disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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