

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 693 OF 2019

Kailas Ananda Dhanawade & Others .. Petitioners

Versus

State of Maharashtra & Others .. Respondents

Mr. Avinash Patil, Advocate for the Petitioners.

Mr. R. S. Pawar, AGP for Respondent Nos. 1 to 5 – State.

**CORAM : S. V. GANGAPURWALA AND
VINAY JOSHI, JJ.**

DATE : 01st APRIL, 2022.

P.C:

. We have heard the learned Counsel for the Petitioners.

2. The learned Counsel submits that, after the notification under Section 4 of the Land Acquisition Act, 1894 was issued, the Petitioners raised an objection under Section 5A of the Land Acquisition Act. The same was not decided. The Petitioners also raised an objection on the issuance of notice under Section 9 of the said Act, the same was also not considered. In the award, it was stated that the Petitioners had not raised objection and the award is passed. The learned Counsel submits that the specific objections are raised and are matters of record. Still the award is passed without

considering the objection under Section 5A. The award vitiates. The learned Counsel submits that time and again, the Petitioners made representation but to no avail.

3. The learned Counsel for the Petitioners, in the alternate, submits that the Petitioners had given an application that they are ready to give an alternate land in lieu of the land under the award. The same is also not considered.

4. We have heard the learned AGP for the Respondent-State.

5. The award is passed on 10th May, 2000. The Petitioner No. 1, in the year 2010, had given an application that he is ready to give his alternate land. At that time also, it does not appear that the Petitioners raised a dispute with regard to the validity of the award on the ground that the objection under Section 5A was not considered. After the lapse of 20 years, it would be inappropriate for this Court to consider the validity of the award on the ground that the objection, at the relevant time, was not considered. Moreover on 29th May 2010, the Petitioners had given an application to the office of the Collector. In the said application also did not dispute about the validity of the award, but only suggested that on the land acquired, their residential house is situated and in lieu of that, the other land may be acquired.

6. In light of the above, we are not inclined to entertain the writ petition.
7. It is for the Petitioners to prosecute their application (Page No. 47) of the petition before the authority as may be permissible under law. In case such application is pending, the authority may deal with the said application in accordance with.
8. Writ Petition is disposed of. No costs.

(VINAY JOSHI, J.)

(S. V. GANGAPURWALA, J.)