

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2404 OF 2021

Narendra s/o Ambadas Umekar and others

Vs.

The State of Maharashtra, Through Collector, Amravati, Dist. Amravati and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. C. A. Babrekar, Advocate for petitioners.

Mr. N. R. Patil, AGP for respondent Nos.1 to 3/State.

**CORAM : SANDEEP K. SHINDE AND
MRS. VRUSHALI V. JOSHI, JJ.**

DATED : 08/12/2022

1. Heard Mr. Babrekar, learned counsel for the petitioners and Mr. Patil, learned AGP for the respondent Nos.1 to 3/State.

2. Petitioner's lands bearing Survey Nos.67/1, 67/2 and 67/3 were subjected to acquisition by issuing a preliminary notification in July 2020 under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ("said Act" for short). The petitioners being 'persons interested', in the land, within 60 days from the

date of publication of preliminary notification, objected to the area of the land proposed to be acquired. The Land Acquisition Officer, after hearing the petitioners, by order dated 07.12.2020 held that lands were proposed to be acquired, as per the measurement carried out and demarcated by the Public Works Department. Thus, objections were rejected, reserving petitioner's right to approach, Public Works Department for remeasurement. Feeling aggrieved by order rejecting objection, this petition is preferred.

3. Section 15 of the said Act, mandates the Collector to hear the petitioner on objections, make further enquiry if it is necessary and make a report in respect of the land, which has been notified under Section 11(1) to the appropriate Government, containing his recommendations, objections. Whereupon the decision of the appropriate Government on the objections made under Sub-Section (2) shall be final. Yet, apparently reply filed by the respondents does not convey that, Collector either submitted report or the

appropriate Government had taken decision on the objections made by the petitioners.

4. Be that as it may, it appears petitioner's lands were acquired vide Award dated 23.02.2022, and in the acquisition proceedings, the objections of the petitioners as to areas of lands were considered and decided by the Land Acquisition Officer. In that way of the matter, if the petitioners are aggrieved by the Award dated 23.02.2022, they may request the Collector to make a reference in accordance with the provisions of the said Act. In the event reference is made, the competent authority shall decide the reference on its own merits without being influenced by order of this Court.

5. The Writ Petition is disposed of in above terms.

(MRS. VRUSHALI V. JOSHI, J.)

(SANDEEP K. SHINDE, J.)