

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

919 WRIT PETITION NO.6049 OF 2023

**RAOSAHEB MAROTI CHHABILWAD DECEASED THROUGH LRS
PRAKASH RAOSAHEB CHHABILWAD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS**

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Mr. N. J. Pahune Patil, Advocate for the Petitioners,
Mr. S. K. Tambe, AGP for the Respondents-State.

CORAM : RAVINDRA V. GHUGE, &
Y. G. KHOBRAGADE, JJ.

DATE : 8th June, 2023

ORDER:

1. The Petitioners have put forth prayer clauses (B), (C), (D), (E) and (F) as under:

- (B) To direct the respondents to award the interest u/sec. 28 of Land Acquisition Act, 1894 till the date of passing award u/sec. 28-A of the Land Acquisition Act, 1894 and for that purpose necessary writ and orders may kindly be issued.
- (C) To direct the respondent SDO to consider the evidence placed on record by the claimant while deciding his application U/sec 28-A of the Land Acquisition Act, 1894.
- (D) To direct the respondent Collector and SDO to award the enhanced compensation as per the decree of the reference court passed U/sec. 18 which modifies the Land Acquisition award passed U/sec. 11 of the Land Acquisition Act, 1894.

- (E) The Respondents may be issued certain guidelines which should be considered for determining the Award of Land Acquisition U/s 28-A, as to avoid misinterpretation of the Act, thus avoiding multiple future litigations which will rise due to such misinterpretation.
- (F) Direct the respondent No.1 to identify officers of respondent no.2 to 5 and fix liability to be recovered from their personal assets for their willful inaction and causing monetary loss to the State."

2. This Court had earlier passed an order on 19.10.2022 in Writ Petition Nos. 10588 and 10613 of 2022 directing the authorities to proceed to decide Section 28-A applications, which were pending. On perusal of prayer clauses (B), (C), (D) and (E), it is obvious that the petition has been filed prematurely. The Petitioners desire that this Court should monitor the hearing and the manner in which the award should be delivered by the concerned authorities, viz. by issuing directions to award interest, to consider the evidence placed on record, to grant enhanced compensation and to consider guidelines while determining the award under section 28-A, to avoid misinterpretation of the Act. We are afraid, this Court would not exercise such jurisdiction.

3. Insofar prayer clause (F) is concerned, it is not for the Court to decide or to issue directions to fix liabilities, if there is delay in payment and if there is any interest which is leviable on the State Exchequer to be paid to the petitioner.

4. In view of the above, this **petition is dismissed.**

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan