

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

**971 WRIT PETITION NO.7739 OF 2022
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
AURANGABAD
VERSUS
BHAIRU SHANKAR MAHAJAN AND OTHERS**

...

Advocate for Petitioner: Mr. Bhalerao Sudhir G.

Advocate for Respondent Nos.1 & 2:

Mr. V. P. Latange h/f. Mr. P. M. Janapurkar

AGP for Respondent/State: Mr. N. T. Bhagat

...

WITH

WP/7747/2022 WITH WP/7750/2022 WITH
WP/7749/2022 WITH WP/7753/2022 WITH
WP/7752/2022 WITH WP/7758/2022 WITH
WP/7760/2022 WITH WP/7744/2022 WITH
WP/7743/2022 WITH WP/7759/2022 WITH
WP/7757/2022 WITH WP/7754/2022 WITH
WP/7746/2022 WITH WP/7740/2022 WITH
WP/7748/2022 WITH WP/7745/2022 WITH
WP/7755/2022 WITH WP/7742/2022 WITH
WP/7741/2022 WITH WP/7751/2022 WITH
WP/7756/2022

...

CORAM: ARUN R. PEDNEKER, J.

DATE: 28th FEBRUARY, 2023

PER COURT:

1. It is now a well settled proposition of law that the award which is passed under the Legal Services Authorities Act, 1987 cannot be treated as an award of the Court within the meaning of Section 18 read with Section 28-A of the Land

Acquisition Act, 1894 and an application under Section 28-A of the Land Acquisition Act, 1894 cannot be maintained on the basis of an award passed by the Lok-adalat under the Legal Services Authorities Act, 1987 [New Okhla Industrial Development Authority (NOIDA) Vs. Yunus and others, reported in (2022) 9 SCC 516].

2. In the instant case, the impugned orders under Section 28-A of the Land Acquisition Act, 1894 are passed on the basis of an award passed under the Legal Services Authorities Act, 1987. In view of the same, the impugned orders passed under Section 28-A of the Land Acquisition Act, 1894 are set aside. However, the claimants are not precluded from staking their claim on the basis of other orders passed in reference under Section 18 of the Land Acquisition Act, 1894, if they are available. Reserving the aforesaid liberty in favour of the claimants, who may stake their claim on the basis of such orders, the impugned orders are quashed and set aside.

3. Reserving the liberty to the claimants to approach the Collector seeking enhancement of the compensation on the basis of the orders enhancing compensation in respect of other claimants passed under Section 18 of the Land Acquisition Act, 1894 by instituting reference proceedings, the claimants are entitled to get benefit from the said order and the Collector is directed to adjudicate their claim by considering objection of limitation. It is directed that the Collector shall adopt liberal approach, when the claimants approach him on setting aside the impugned order passed by the him and by placing reliance on some other orders in respect of the claimants, who have been already awarded compensation under Section 18 of the Act.

4. In the event of an application so filed, the Collector is directed to decide the same as expeditiously as possible within six (06) months after issuance of notice to all concerned.

5. With the above liberty, the Writ
Petitions are disposed of.

[ARUN R. PEDNEKER, J.]

marathe