

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 6881 OF 2013

1. Anuradha Dnyandeo Ingle
Aged about 59 years, Occu.Agriculturist,
R/o. At Nimgaon, Tq. Nandura, Dist. Buldhana.
2. Mahendra s/o Manakchand Soni,
Aged about 55 years, Occ: Agriculturist
R/o. Nandura, Tq. Nandura, Dist. Buldhana.
3. Vilas s/o Shaligram Chopde,
Aged about 39 years, Occ: Agriculturist
R/o. Nimgaon, Tq. Nandura, Dist. Buldhana.
4. Ramesh s/o Kashiram Nasurde
Aged about 39 years, Occ: Agriculturist
R/o. Nimgaon, Tq. Nandura, Dist. Buldhana.
5. Shrikrishna s/o Mahadeo Kawale
Aged about 32 years, Occ: Agriculturist
R/o. Nimgaon, Tq. Nandura, Dist. Buldhana.
6. Vitthal s/o Jagdeo Bore
Aged about 46 years, Occ: Agriculturist
R/o. Nimgaon, Tq. Nandura, Dist. Buldhana.
7. Bhagwan s/o Samadhan Bajode
Aged about 40 years, Occ: Agriculturist
R/o. Nimgaon, Tq. Nandura, Dist. Buldhana.
8. Purushottam s/o Jaideo Ingle,
Aged about 21 years, Occ: Agriculturist
R/o. Nimgaon, Tq. Nandura, Dist. Buldhana.
9. Bhavna Yogesh Lalwani,
Aged about 32 years, Occ: Agriculturist
R/o. Nandura, Tq. Nandura, Dist. Buldhana.

10. Ashok s/o Ganpat Nasurde,
Aged about 48 years, Occ: Agriculturist
R/o. Nimgaon, Tq. Nandura, Dist. Buldhana.
11. Bhagwan s/o Pandurang Kawle
Aged about 36 years, Occ: Agriculturist
R/o. Nimgaon, Tq. Nandura, Dist. Buldhana.
12. Gajanan s/o Shaligram Chopde
Aged about 51 years, Occ: Agriculturist
R/o. Nimgaon, Tq. Nandura, Dist. Buldhana.
13. Ramdas s/o Tukram Bore,
Aged about 87 years, Occ: Agriculturist
R/o. Nimgaon, Tq. Nandura, Dist. Buldhana.
14. Rambhau s/o Pundlik Kawale
Aged about 40 years, Occ: Agriculturist
R/o. Nimgaon, Tq. Nandura, Dist. Buldhana.
15. Mahadeo s/o Laxman Charkhe
Aged about 65 years, Occ: Agriculturist
R/o. Nimgaon, Tq. Nandura, Dist. Buldhana.
16. Ramesh s/o Ukurda Wankhede
Aged about 47 years, Occ: Agriculturist
R/o. Nimgaon, Tq. Nandura, Dist. Buldhana.
17. Gopal s/o Ramrao Khode
Aged about 40 years, Occ: Agriculturist
R/o. Nimgaon, Tq. Nandura, Dist. Buldhana.
18. Vikas s/o Pandhari Ingle
Aged about 35 years, Occ: Agriculturist
R/o. Nimgaon, Tq. Nandura, Dist. Buldhana.
19. Vinod s/o Pandhari Ingle
Aged about 40 years, Occ: Agriculturist
R/o. Nimgaon, Tq. Nandura, Dist. Buldhana.

20. Gajanan s/o Jagdeo Bore
Aged about 35 years, Occ: Agriculturist
R/o. Nimgaon, Tq. Nandura, Dist. Buldhana.
21. Amol s/o Maroti Ingle
Aged about 27 years, Occ: Agriculturist
R/o. Nimgaon, Tq. Nandura, Dist. Buldhana.
22. Ananta s/o Maroti Ingle
Aged about 24 years, Occ: Agriculturist
R/o. Nimgaon, Tq. Nandura, Dist. Buldhana. **PETITIONERS**

...VERSUS...

1. State of Maharashtra through its Secretary,
Department of Rehabilitation, Mantralaya,
Mumbai-32.
2. State of Maharashtra through its Secretary,
Department of Revenue, Mantralaya,
Mumbai-32.
3. Commissioner,
Amravati Division, Amravati.
Tq. and District Amravati.
4. Collector,
Buldana, Tq. and District Buldana.
5. Special Land Acquisition Officer,
Jigaon Project, Buldana.
Tq. and District Buldhana.
6. Vidarbha Irrigation Department,
Corporation through Executive Engineer, Jigaon,
Rehabilitation Project Shegaon, Post Khamgaon,
Dist. Buldhana. **RESPONDENTS**

Amended as per Courts
order dated 7.1.2021
Sd/- S.D.Chopde
C.F.Petitioners.

Shri S.D.Chopde, Advocate for petitioners.
Shri S.M.Ghodeswar, Assistant Government Pleader for respondent nos. 1 to 5.
Shri Amit Kukday, Advocate for respondent no.6.

CORAM :- A.S.CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.
DATE :- 19.01.2023

JUDGMENT (Per A.S.CHANDURKAR, J.)

Challenge raised in this writ petition filed under Article 226 of the Constitution of India is to the award dated 02.12.2015 passed by the Special Land Acquisition Officer, Jigaon Project, District Buldhana under Section 11(1) of the Land Acquisition Act, 1894 (for short, the Act of 1894). According to the petitioners, the said award has not been passed in the manner contemplated by Sections 6 to 9 of the Act of 1894 and is also in breach of provisions of Section 11 A thereof.

2. Notification under Section 4(1) of the Act of 1894 came to be issued proposing to acquire land admeasuring 30 Hectares 91 Ares for re-settlement of residents of village Yerli, Taluka Nandura, District Buldhana in view of submergence of lands under Jigaon Project. Notice in that regard was published in the Tahsil Office, Nandura on 02.02.2013. The objections raised to the proposed acquisition were submitted by twenty four land owners on 11.02.2013. The same were considered in an enquiry under Section 5-A of the Act of 1894 on 05.03.2013. These objections came to be finally decided on 24.06.2013. Since it was decided to acquire the said

lands, a declaration under Section 6(1) of the Act of 1894 came to be published in the official gazette on 25.07.2013. The declaration was also published in daily 'Shiv-Sandesh' on the same day and in daily 'Nirbhay Sanchar' on 06.08.2013. As per the said award, public notice of the declaration under Section 6(2) as well as notices under Section 9(1) and (2) of the Act of 1894 came to be issued on 05.12.2013. Thereafter on 02.12.2015 the award in question came to be passed.

This writ petition was filed on 23.12.2013 raising a challenge to the notification issued under Section 4(1) as well as subsequent notices issued under Section 9 of the Act of 1894. On 24.12.2013 while issuing notice this Court permitted the acquisition proceedings to continue but directed that the possession of the petitioners shall not be disturbed. Thereafter on 24.02.2016 it was informed that the award dated 02.12.2015 had been passed. The writ petition was amended and challenge was raised to the award dated 02.12.2015. This Court called upon the respondents to explain as to whether the final notification under Section 6 had been published after service of notices under Section 9 (3) and (4) of the Act of 1894. Since it was urged that declaration under Section 6(2) had been made after issuance of notices under Section 9 of the Act of 1894, the writ petition was admitted for consideration.

3. Shri S.D.Chopde, learned counsel for the petitioners submitted that the award in question had not been made within a period of two years from the declaration under Section 6(2) of the Act of 1894 which was in breach of the provisions of Section 11-A of the Act of 1894. Though it was sought to be projected by the respondents that declaration under Section 6(2) was made on 05.12.2013 there was no material on record to justify the same. Despite a direction issued by this Court to produce the inward and outward registers maintained by the Office of the Special Land Acquisition Officer to indicate that the declaration under Section 6(2) had been published and notices under Section 9(1) and (2) had been duly issued, the same were not produced by stating that there was a clerical error in not maintaining the said registers. The same were avoided to be produced. On the contrary, according to the respondents on 05.12.2013 itself the said declaration under Section 6(2) was made and notices under Section 9(3) and (4) came to be issued to the persons interested. This was without complying with the requirements of Sections 7 and 8 of the Act of 1894. The Collector failed to take an order for the acquisition of the land after declaration under Section 6 of the Act of 1894. Further the Collector also failed to mark the land and have it measured as required by Section 8 of the Act of 1894. Though the respondents sought to rely upon the aspect that the land had been marked

out while issuing notice under Section 4 (1) of the Act of 1894, it could be seen from the record that such joint measurement had been undertaken much prior to the issuance of notice under Section 4(1) of the Act of 1894.

The learned counsel for the petitioner placed reliance on the decision in *Ramrao Pralhadrao Deshmukh (dead) through LRs vs. State of Maharashtra and others* **[2008(2) Mh.L.J.534]** to urge that mandatory steps that are required to be taken prior to passing of the award having not been undertaken, the award was liable to be set aside. Reference was also made to the decision in *Govind Tukaram Shete and Ors. Vs. Special Land Acquisition Officer No.2.* **[(2016) 7 ALL MR 400]** to urge that steps under Sections 7 and 8 of the Act of 1894 were required to be mandatorily taken. The same could not be dispensed with in any circumstances. It was thus urged that since the record maintained by the Special Land Acquisition Officer did not indicate that the process of acquisition was undertaken in the manner required by the Act of 1894, the award dated 02.12.2015 was liable to be set aside.

4. Shri S.M.Ghodeswar, learned Assistant Government Pleader for the respondent nos. 1 to 5 opposed the writ petition. Referring to the records maintained by the Special Land Acquisition Officer, he submitted that all mandatory provisions of the Act of 1894 starting from issuance of notice

under Section 4(1) till culmination into an award under Section 11 of the Act of 1894 had been duly followed. According to him since the land was jointly measured on 30.07.2010 which was much prior to issuance of notice under Section 4(1), it was not necessary to re-measure the same under Section 8 of the Act of 1894. Since the final declaration under Section 6(2) was dated 05.12.2013 and the award was passed on 02.12.2015, the same was within a period of two years and therefore the provisions of Section 11-A of the Act of 1894 had not been breached. He referred to the affidavits in reply filed on behalf of the Collector and submitted that the inward and outward registers could not be produced as through an inadvertent clerical oversight it was found that the same had not been maintained. There were no malafides in acquiring the aforesaid lands for public purpose and therefore there was no reason to set aside the award. He also referred to affidavits of some land owners to indicate that the final declaration under Section 6(2) of the Act of 1894 had been affixed in the Office of the Gram Panchayat and the Office of the Talathi. It was thus submitted that the petitioners were not entitled to any relief whatsoever. Moreover, the petitioner no.15 had received the amount of compensation under the said award and the challenge on his behalf was not liable to be entertained.

Shri Amit Kukday, learned counsel for the respondent no.6 adopted the aforesaid submissions and he too urged that since the land was acquired for public purpose in accordance with the provisions of the Act of 1894, there was no case made out to interfere in extra ordinary jurisdiction.

5. We have heard the learned counsel for the parties and with their assistance we have perused the records maintained by the Special Land Acquisition Officer. The challenge to the award dated 02.12.2015 is principally based on two contentions. Firstly, it is urged that there has been no final declaration under Section 6(2) of the Act of 1894 on 05.12.2013 and that the record has been created merely to indicate that the award was passed within a period of two years from 05.12.2013. Secondly, the mandatory compliance required under Sections 7 and 8 of the Act of 1894 was missing coupled with the fact that final declaration under Section 6(2) was shown to have been made on the same day when notices under Section 9(3) and (4) of the Act of 1894 came to be issued to the land owners.

6. It is seen from the award dated 02.12.2015 that notice under Section 4(1) of the Act of 1894 was lastly affixed at the Office of Talathi on 02.02.2013. After considering the objections raised by the land owners, declaration under Section 6(1) was published in the official gazette as well

as in daily 'Shiv-Sandesh' on 25.07.2013 and daily 'Nirbhay Sanchar' on 06.08.2013. Thereafter copies of the declaration under Section 6(2) dated 30.11.2013 were sought to be published at convenient places in the locality, in the Office of the Talathi and Special Land Acquisition Officer. Such publication of the declaration was stated to be done on 05.12.2013. In this regard, reference has to be made to a communication to that effect dated 05.12.2013 addressed by the Tahsildar, Nandura to the Special Land Acquisition Officer. This communication is at pages 1037 and 1039 of the record maintained by the Special Land Acquisition Officer. In that context this Court on 01.08.2018 had found that these documents did not bear any outward number and therefore the Tahsildar, Talathi and the Special Land Acquisition Officer were called upon to produce the inward and outward registers indicating the entries in respect of such communication. It is pursuant to the said order that the Collector, Buldhana has filed an affidavit dated 24.08.2018. Paragraphs 3 to 5 of the said affidavit read as under:

"3. It is further most respectfully and humbly submitted that, on record page 1039 and 1047 there are copies of publication report dated 5.12.2013 addressed by Talathi, Nimgaon to the Contractual Special Land Acquisition Officer, Jigaon Project, Buldhana thereby informing that the extract of declaration under Section 6(1) of the Land Acquisition Act, 1894 is duly published in accordance with Section 6(2) of the Land Acquisition Act, 1894 and notices under Sections 9(1) (2) thereof were also published in the Office of Talathi, Nimgaon on 5.12.2013. It is submitted that by an inadvertent clerical

oversight which went unnoticed, the said communication does not bear any outward numbers. A duly sworn affidavit dated 24/08/2018 of Shri Bhika Sakharam Bansod who was the then working as Talathi, Nimgaon is annexed along with the present affidavit and is marked as **“ANNEXURE – R4B”** for clarifying this factual situation.

4. It is further most respectfully and humbly submitted that on record page 1037 and 1045 there are copies of publication report dated 5.12.2013 addressed by Tahsildar, Nandura to the Contractual Special Land Acquisition Officer, Jigaon Project, Buldhana thereby informing that the extract of declaration under Section 6(1) of the Land Acquisition Act, 1894 is duly published in accordance with Section 6(2) of the Land Acquisition Act, 1894 and notices under Sections 9(1) and (2) thereof were also published in the Office of Talathi, Nimgaon on 5.12.2013. It is submitted that by an inadvertent clerical oversight which went unnoticed, the said communication does not bear any outward numbers. A duly sworn affidavit dated 24/08/2018 of Shri Ramdas Purnaji Jadhao who was the then working as Naib-Tahsildar, Nandura is annexed alongwith the present affidavit and is marked as **“ANNEXURE – R4C”** for clarifying this factual situation.

5. It is most humbly and respectfully submitted that the concerned Awwal Karkoon who was then assigned work under the Contractual Special Land Acquisition Officer, Jigaon Project, Buldhana accepted copies of the aforesaid publication reports dated 5.12.2013 from the concerned clerks/staff who brought to him and merely filed them in original record without taking entry in any Inward Register as no Inward Register was kept / maintained in the said office for taking entries as such. A duly sworn affidavit dated 24/08/2018 of Shri Waman Pandurang Nakhod who was then working as Awwal Karkoon on contractual basis at the relevant time is annexed along with the present affidavit and is marked as **“ANNEXURE – R4D”** for clarifying this factual situation.”

(emphasis supplied)

From the aforesaid affidavit filed by the Collector, it is apparent that there is no entry made either in the inward or outward registers of the concerned offices that were involved in the acquisition process to indicate that the copy of the final declaration under Section 6(2) of the Act of 1894 was sent/received for being pasted and published at a convenient place in the village. It is surprising that similar “inadvertent clerical oversight” has occasioned at the Office of Talathi, Tahsildar as well as at the Office of Special Land Acquisition Officer with regard to the final declaration under Section 6(2) of the Act of 1894. The affidavits of the concerned officers that are sought to be relied upon do not inspire confidence for the reason that the said officers hold responsible posts and are involved in the process of acquisition. A similar “inadvertent clerical oversight” is not likely to be committed with regard to the same transaction by various officers. It has not been shown that the Collector took some corrective steps in view of such “inadvertent clerical oversight”. It is also surprising that some villagers recollect the exact date when such notice was given by beat of drums in their affidavits sworn after almost five years. We therefore do not find any plausible reason to hold that final declaration under Section 6(2) of the Act of 1894 was in fact published at the concerned places on 05.12.2013 as sought to be urged by the respondents since there is nothing on record to

indicate the same.

It is true as held in *S.H.Rangappa Vs. State of Karnataka and another [(2002) 1 SCC 538]* that Section 6(2) does not prescribe any time limit within which the declaration under Section 6(1) is to be published but it would not mean that publishing of such declaration under Section 6(2) can be dispensed with.

7. Coming to the challenge raised to the award dated 02.12.2015, the same is based on failure to comply with the mandatory procedure prescribed by Sections 7 and 8 of the Act of 1894. It is urged that after final declaration as contemplated by Section 6(2) is made, the Collector was required to take an order for acquisition but the same has not been done and secondly, the Collector has thereafter failed to mark out the land and cause it to be measured. For considering this aspect we may refer to the decision relied upon by the learned counsel for the petitioners in that regard. In *Ramrao Pralhadrao Deshmukh though his LRs*(supra), the Division Bench has held that various stages enumerated by Sections 4 to 8 of the Act of 1894 are required to be followed chronologically. In that case publication of declaration under Section 6(2) was shown to be made on a day subsequent to the notice issued to the land owners calling upon them to submit the claim in respect of valuation of the land. The mode of publication of the notice

under section 6(2) was not found to be worthy of acceptance and the Court proceeded to hold that the proceedings of acquisition had been vitiated in view of Section 11-A of the Act of 1894.

In *Govind Tukaram Shete and others* (supra), it was held that the Act of 1894 was a complete Code in itself. The steps to be taken after declaration of notice under Section 6 are provided in Section 7. The step contemplated under Section 7 was an important step and unless such order for acquisition was made, the same cannot proceed further. The question of invoking Section 7 of the Act of 1894 would arise only after the declaration is made in accordance with Section 6(2) of the Act of 1894. Further, only after a direction is issued under Section 7 that the stage of marking out and measuring the notified lands in accordance with Section 8 can be arrived at. The contention made on behalf of the State Government therein that the publication of the declaration under Section 6(1) in terms of sub-section (2) could be made even after the stage of Section 9 was over was not accepted by observing that the same would defeat the very purpose of enacting Section 11-A of the Act of 1894. Since it was found that the publication of the declaration was after issuance of notice under Section 9(1), it was held that the award passed was after expiry of the period of two years from making of the declaration under Section 6(2) of the Act of 1894.

8. In this context, it would be useful to refer to the judgment of the Division Bench in *Harakchand Misirimal Solanki vs. The Collector, Collector Office, Land Acquisition Branch, Pune and others. [2009 (1) ALL MR 799]* wherein the necessity of taking an order for acquisition as contemplated by Section 7 was considered. In paragraph 47 it has been observed as under:

“47. A bare perusal of the scheme of the said Act, in the background of aforesaid discussion will clearly indicate that the requirement of taking/obtaining ‘an order for acquisition of land’, as contemplated by section 7 of the said Act is a substantive requirement of law and not just a procedural requirement. Under the scheme of the said Act it is for the Appropriate Government or some officer authorized by it or as the case may be, the Commissioner who is conferred with the authority or power or jurisdiction to decide as to whether any land which is found as required for public purpose, is to be acquired or not. Unless such a decision is ‘taken by the Appropriate Government’, the Collector cannot proceed further and take steps for acquiring the land compulsorily under the said Act. The Collector has to only implement such a decision that is taken by the Appropriate Government etc. The Collector himself has no jurisdiction/authority/power to decide whether an action to acquire the land so needed for public purpose. If the Collector fails to ‘take an order for acquisition of land’ the Collector will not have jurisdiction and/or authority in law to take any further step contemplated by the provisions contained in Section 8 onwards of the said Act. Therefore steps if any taken by the Collector under any of the provisions of the said Act as contemplated by Section 8 onwards, the action of the Collector in that regard will be clearly unauthorized and

consequently illegal and unsustainable. Issuance of an order as contemplated by Section 7 of the said Act is thus the source for the authority of the Collector to take steps for the actual compulsory acquisition of the lands under the said Act. We therefore hold that requirement of taking an order for the acquired of the land as contemplated by Section 7 of the said Act is a substantive requirement of the law and therefore we reject the contention of the learned AGP that it is only a formal or procedural requirement.”

It is thus obvious that the stage contemplated by Section 7 of the Act of 1894 cannot in any way be dispensed with and the Collector is required to take an order for acquisition of the land in question. The record of the acquisition proceedings herein does not indicate any such step being taken nor is it urged on behalf of the respondents that the Collector had in fact taken an order for acquisition as required by Section 7 of the Act of 1894.

9. Coming to the requirement prescribed by Section 8 of the Act of 1894, it is seen that after obtaining an order for acquisition of the land, the Collector is required to cause the land to be marked out. He is required to cause it to be measured and if no plan has been made, to prepare the same. Section 8 however contemplates that if the land is already marked out under Section 4 it would then not be necessary to have it marked out again while complying with Section 8 of the Act of 1894. According to the respondents,

since joint measurement of the lands was carried out on 30.07.2010 the lands had not been marked out, measured and planned as required by Section 8. We however find that the joint measurement dated 30.07.2010 sought to be relied upon by the respondents cannot come to their aid for dispensing with the procedure contemplated by Section 8 for the reason that the same can be dispensed with only if the land has already been marked out under Section 4 of the Act of 1894. Turning to the provisions of Section 4 of the Act of 1894, it is seen that initially under Section 4(1) the appropriate Government is required to publish a notification indicating the likely need of acquiring land for any public purpose. It is only thereafter that under Section 4(2) it would be lawful for any officer authorised by the Government in this behalf to enter upon and survey the land and also mark out with boundaries, etc. In other words, the exercise of marking the land as contemplated by Section 4(2) can be undertaken only after publication of the preliminary notification under Section 4(1) of the Act of 1894. This is for the reason that only after such publication it becomes lawful for an officer authorized by the Government to enter into upon the land in question and have it marked. Notice under Section 4(1) was published in the official gazette on 13.09.2012 and finally pasted at the Gram Panchayat Office, Office of the Tahsildar on 02.02.2013. The joint measurement report on

which the respondents seek to rely for dispensing with marking of the land under Section 8 is dated 30.07.2010. The joint measurement report is thus much prior to the issuance of the notice under Section 4(1) of the Act of 1894 which was first published on 13.09.2012. It is thus clear that the respondents cannot rely upon the joint measurement report that was prepared much prior to the issuance of notice under Section 4(1) of the Act of 1894 for dispensing with marking, measuring and planning of the land as required to be done under Section 8 of the Act of 1894. Even on this count it will have to be held that the provisions of Section 8 of the Act of 1894 have not been complied with.

10. Insofar as notice to persons interested under Section 9 of the Act of 1894 is concerned, it is clear from reading of Section 9(1) that it is only after the stages contemplated till Section 8 of the Act of 1894 are complied with, that the Collector is required to give public notice to the persons interested. Similarly the service of notice contemplated by Section 9(3) is also to be issued subsequent to the completion of the procedure contemplated upto Section 8 of the Act of 1894. The reason for the issuance of the notice is to enable a claim for compensation to be made by the person interested. It goes without saying that a claim for compensation can be made only after there is an order for acquisition obtained by the Collector and the land is

marked out, measured and planned to indicate the exact land that is to be acquired. It is the stand of the respondents that the final declaration under Section 6(2) and notices under Section 9(3) and (4) of the Act of 1894 came to be issued on the same day which is 05.12.2013. This course as adopted by the respondents is contrary to procedure contemplated by the Act of 1894 as the stages contemplated by Sections 7 and 8 have not been followed. We find that the award dated 02.12.2015 is vitiated also on this count.

11. Thus from the aforesaid, it becomes clear that the non-compliance of the mandatory provisions of the Act of 1894 by the respondents while passing the award on 02.12.2015 is writ large on the face of the record. It has not been clearly demonstrated from the record that the final declaration under Section 6(2) was infact published on 05.12.2013. The inward/outward register has not been maintained in that regard with the Office of the Talathi, Tahsildar and the Special Land Acquisition Officer. If the notification dated 25.07.2013 under Section 6(1) is taken into consideration, the award has been passed after a period of more than two years from the date thus resulting in breach of Section 11-A of the Act of 1894. Further there is no order for acquisition taken by the Collector as required by Section 7 nor is the land shown to have been marked, measured and planned as required by Section 8 of the Act of 1894. For these reasons,

the challenge raised to the legality of the award dated 02.12.2015 succeeds.

12. The petitioner no.15-Mahadeo Laxman Charkhe has accepted the amount of compensation of Rs.58,32,294/- as stated by his son Dipak in his affidavit dated 24.08.2018 that was determined under the aforesaid award. Since the award has been set aside and the possession of the land that was proposed to be acquired remains with the land owner, he shall re-deposit the amount of compensation withdrawn by him with the Special Land Acquisition Officer within a period of three months along with interest at the rate of 6% per annum from the date of withdrawal of the said amount till realisation failing which the Special Land Acquisition Officer would proceed to recover the same as arrears towards land revenue in accordance with the Maharashtra Land Revenue Code, 1966.

13. For aforesaid reasons, it is declared that the award dated 02.12.2015 passed in LAC No.10/2008-2009/Mouze-Nimgaon, Tq.Nandura, District Buldhana is set aside. The respondents are at liberty to take appropriate steps in accordance with law if they desire to acquire the aforesaid lands afresh.

The writ petition is allowed in aforesaid terms leaving the parties to bear their own costs.

To report compliance of the direction to recover the amount of compensation from the petitioner no.15, list the matter on 27.04.2023.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

Andurkar..