



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

WRIT PETITION NO. 1198 OF 2023

BHAGWAT KASHINATH GHYAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

...

**WITH
WRIT PETITION NO. 1200 OF 2023**

NOORULLA KHAN WAHIDULLAKHAN PATHAN AND
OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

...

**WITH
WRIT PETITION NO. 1397 OF 2022**

SUNIL NAGORAO JAGTAP AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

**WITH
WRIT PETITION NO. 1369 OF 2018**

PANDURANG SAKHARAM KORDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

**WITH
WRIT PETITION NO. 2923 OF 2022**

DATTA SAKHARAM KORDE AND OTHERS
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Shri Thote Dhananjay K., Advocate for the Petitioners.
Shri V.M. Kagne, AGP for Respondent Nos.1 to 3/State.
Shri Sudhir G. Bhalerao, Advocate for Respondent No.4/
Executive Engineer, Hingoli.

...

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

DATE :- 24th September, 2024

Per Court :-

1. Perused the prayers put forth by the Petitioners.

Heard the learned Advocates for the respective parties.

2. The learned Advocate Shri Bhalerao opposes the petitions and prays for dismissal of the same, in view of his affidavit in reply.

3. We have perused the judgment delivered by this Court, in *Namdeo Apparao Chate and others vs. State of Maharashtra and others, 2024 (1) Mh.L.J. 455* and the circular dated 26.10.2015, issued by the Department of Land Resources, Ministry of Rural Development, Government of India, which

settles the issue that, in the peculiar facts of such cases, the date of applicability of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the Act of 2013'), would be 01.01.2014.

4. Apparently, the affidavit in reply filed by the State is against settled law. Despite this issue having been settled in catena of judgments, the State Government continues to take a contrary stand.

5. In view of the above, **all these Writ Petitions are partly allowed**. The impugned awards are quashed and set aside. The proceedings are restored to the file of Respondent No.3 for being considered afresh.

6. The relevant date for the applicability of the 2013 Land Acquisition Act, shall be 01.01.2014 for the purpose of the ready reckoner rates and sale instances of 2013. If such sale instances are not available, older sale instances may be considered by applying an element of escalation at the rate of

10% per year, so as to bring such sale instances in close proximity to the cut off date 01.01.2014.

7. Consequentially, the said Authority would recalculate the amount and pass an award within 60 days from today. Needless to state, in the event, the Petitioners are aggrieved by such awards, they would be at liberty to avail of the remedy under Section 64 of the Act of 2013.

kps (Y. G. KHOBRADE, J.) (RAVINDRA V. GHUGE, J.)