



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

WRIT PETITION NO.4100 OF 2024

(Namdev Uttam Naikwad and others .vs. The State of Maharashtra and others)

WITH

WRIT PETITION NO.4199 OF 2024

(Dilip Sheshrao Nagpure and others .vs. The State of Maharashtra and others)

WITH

WRIT PETITION NO.4186 OF 2024

(Jitendra Janardhan Pawar and others .vs. The State of Maharashtra and others)

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

Court's or Judge's orders.

Shri P.S. Kshirsagar, Advocate for the petitioners,
Shri H.R. Dhumale, Assistant Government Pleader for respondent nos.1 to 3.

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CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.
DATE : 30.07.2024.

Heard the learned Counsel for the parties.

2. Vide communication dated February 15, 2023, the petitioners were communicated that their claim under Section 28-A of the Land Acquisition Act, 1894 (for short 'Act of 1894') for additional compensation cannot be considered as the petitioners have already received rehabilitation compensation.

3. Drawing support from the judgment of this Court in the matter of Motiram Zingar Wawre .vs. State of Maharashtra and others, reported in 2017 (4) Mh.L.J. 627, it is claimed that

the rehabilitation compensation awarded has to be considered in addition to the statutory compensation provided under Section 28-A of the Act of 1894 provided the component received under the head “rehabilitation compensation” has to be adjusted with enhanced compensation sought under Section 28-A of the Act of 1894.

4. In that view of the matter, issue notice for final disposal at admission stage to the respondents, returnable on **20th August, 2024.**

5. Shri Dhumale, learned Assistant Government Pleader waives service of notice for respondent nos.1 to 3.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)