



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4823/2024

(Gajanan S/o Dadaji Binjwe Vs. State of Maharashtra and others)

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

Court's or Judge's orders

Mr. I.G. Meshram, Advocate for the petitioner.

Mr. J.Y. Ghurde, Assistant Government Pleader for respondent Nos.1 to 4.

CORAM: NITIN W. SAMBRE & MRS.VRUSHALI V. JOSHI, JJ.

DATED: 18.10.2024.

Heard.

2. Out of nine affected farmers, petitioner alone has questioned the award dated 27.5.2022 passed by the respondent Sub-Divisional Officer / Land Acquisition Officer on the ground that neither the provisions of sub-section (2) of Section 2 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short “ the Act”) nor the provisions of Section 5 of the Act are adhered to. It is claimed that the hearing was not offered before the study on impact assessment so also the individual award as contemplated under sub-section (2) of Section 30 of the Act is not communicated.

3. If we appreciate the aforesaid submissions in the backdrop of the conduct of the petitioner, learned Advocate for the petitioner is not in a position to demonstrate from the pleadings that the petitioner has not received the compensation under the award.

4. Apart from above, if we peruse the objections raised by the petitioner which are produced at Annexures VI and VII which were prior to passing the award, all that petitioner has claimed that he is entitled for higher rate of compensation for which he has an alternate remedy.

5. It is also not in dispute that the land acquired for public purpose is already being used for development of an irrigation project.

6. In this background, granting liberty to the petitioner to claim enhanced compensation before the competent authority, we see no reason to cause interference in extraordinary writ jurisdiction. The writ petition is dismissed accordingly.

(MRS.VRUSHALI V.JOSHI, J.)

(NITIN W. SAMBRE, J.)