



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

WRIT PETITION NO. 794 OF 2013

SUSHILABAI VISHNUPANT SONWANE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Sandeep N. Lute, Advocate for the Petitioner

Mrs. V. P. Dama, AGP for Respondent/State

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**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL JADHAV, JJ.**

DATE : 02nd DECEMBER, 2025

PER COURT :

1. Learned AGP has placed on record copy of the communication dated 02/12/2025, addressed by the Sub Divisional Officer, Jalna, stating that on 09/03/2012 final award was declared. In that award petitioners' 1 Hectare 43 R land was shown as acquired. Petitioners have approached the Court for quashing and setting aside of the said award and for direction to decide the objection filed by them on 13/12/2010.

2. The Sub Divisional Officer, Jalna has addressed communication dated 02/12/2025 to learned AGP stating that during the pendency of this petition re-measurement was done and the Land Records Department has submitted report that petitioners' 92 R land is affected in the acquisition. In terms of Section 13(1) of the Land Acquisition Act, 1894 he has no authority to cancel the award or correct the area in the award after six months period. However, a request be made to this Court that the award be cancelled to the

extent of petitioners, so that the petitioners' objection can be considered by taking into consideration the re-measurement report and decision on merits can be taken and fresh award can be declared as per the Land Acquisition Act, 2013 within a period of six months. The said communication is marked as 'X' for the purpose of identification.

3. In the backdrop of the above facts and since the petitioners' 92 R land is found to be affected in the acquisition, we pass the following order :-

ORDER

- (I) The award dated 09/03/2012 जा.क.12/भूसं/गा/सीआर-115/08 declared for construction of percolation tank No.3 situated at Pankheda, Taluka Badnapur, District Jalna is canceled to the extent of petitioners.
- (II) Respondents shall re-initiate the acquisition process in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and shall complete the same within time stipulated in the said Act, 2013 and pay compensation to the petitioners as expeditiously as possible.
- (III) Writ petition is accordingly disposed of.

(VAISHALI PATIL JADHAV, J.)

(NITIN B. SURYAWANSHI, J.)