



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

Writ Petition No. 3153 of 2023

Fakira Sonaji Kakde (Dead)
Through Legal heirs

1.A) Subhash S/o Fakirba Kakde
Aged 57 yrs, Occ – Cultivator,

1B) Karbhari S/o Fakirba Kakde
Aged 45 yrs, Occ – Cultivator,

1.C) Gajanan S/o Fakirba Kakde
Aged 36 yrs, Occ – Cultivator
All R/o. Mehuna Raja, Tah. Degulgaonraja,
Dist. Buldhana.

1.D) Sau. Sumanbai Sahebrao Shejul
Aged 40 yrs, Occ – Cultivator
R/o. Mhasrul, Tah. Jafrabad,
Dist. Jalna.

... Petitioners

- Versus -

(1) The Collector,
Buldana, District-Buldana.

(2) The Land Acquisition Officer,
Sindhkhedraja, Dist. Buldana.

... Respondents

Mr. S. S. Dalvi, Advocate for the petitioners
Ms. P. C. Bawankule, AGP for the respondents

CORAM : ANIL L. PANSARE, J.
DATED : 9-1-2025

ORAL JUDGMENT

Heard.

2. Issue Rule, returnable forthwith. Ms. P. C. Bawankule, learned Assistant Government Pleader waives service of notice for the respondents. With consent of learned counsels for the parties, the petition is taken up for final hearing.

3. The petitioners are aggrieved by order dated 21-11-2016 passed by respondent no. 2 – Land Acquisition Officer rejecting the application filed by the petitioner under Section 28(A) of the Land Acquisition Act, 1894.

4. The application has been rejected on the sole ground that the petitioners will be not entitled to claim compensation, they having picked up compensation under the scheme of rehabilitation framed by the Government of Maharashtra under the Government Resolution dated 3-5-1998.

5. This Court in the case of ***Motiram Zingar Wawre Vs. State of Maharashtra and others [2017(4) Mh.L.J. 627]*** categorically held that any amount received by claimants under rehabilitation packages of the Government, would not disentitle such claimants from receiving statutory amounts under the provisions of Land Acquisition Act. Accordingly, Court allowed the said writ petition with a direction to the respondents to consider the application afresh.

6. Learned Assistant Government Pleader made an attempt to justify the order. However, considering the view taken by this Court in ***Motiram***'s case, the impugned order will not stand scrutiny of law. Writ petition is accordingly allowed. Order dated 21-11-2016 passed by respondent no. 2 – Land Acquisition Officer, Sindhkhedraja, District Buldana in LAC No. कावि./भूसंपादन/मं.अ/2060/2016 is quashed and set aside. The application filed by the petitioner shall be considered afresh in accordance with law.

7. Rule is made absolute in above terms with no order as to costs.

(Anil L. Pansare, J.)

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