



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

WRIT PETITION NO. 4100/2024

- (1) **Namdev Uttam Naikwad,**
Aged about 62 years, Occ.
Agriculturist, R/o. Falegaon, Tal.
Babulgaon, District Yavatmal

- (2) **Maroti Raghoji Devhare,**
Aged about 75 years, Occ.
Agriculturist, R/o. Falegaon, Tal.
Babulgaon, District Yavatmal

- (3) **Mangal Laxman Kamthe (Bhoi),**
Aged about 78 years, Occ.
Agriculturist, R/o. Falegaon, Tal.
Babulgaon, District Yavatmal

- (4) **Haribhau Narayan Bhedare,**
Aged about 65 years, Occ.
Agriculturist, R/o. Falegaon, Tal.
Babulgaon, District Yavatmal

- (5) **Dilip Namdevrao Paradhi,**
Aged about 40 years, Occ.
Agriculturist, R/o. Falegaon, Tal.
Babulgaon, District Yavatmal
- (6) **Vasudev Shravan Raut,**
Aged about 68 years, Occ.
Agriculturist, R/o. Falegaon, Tal.
Babulgaon, District Yavatmal
- (7) **Vinod Pundalikrao Bawankar,**
Aged about 45 years, Occ.
Agriculturist, R/o. Falegaon, Tal.
Babulgaon, District Yavatmal
- (8) **Shantabai Bhaurao Wadhave,**
Aged about 75 years, Occ.
Agriculturist, R/o. Falegaon, Tal.
Babulgaon, District Yavatmal
- (9) **Shamrao Eknath Dumre,**
Aged about 65 years, Occ.
Agriculturist, R/o. Falegaon, Tal.
Babulgaon, District Yavatmal

- (10) **Sarad Ramrao Vedukar,**
Aged about 40 years, Occ.
Agriculturist, R/o. Falegaon, Tal.
Babulgaon, District Yavatmal
- (11) **Vilas Khushalrao Kekade,**
Aged about 50 years, Occ.
Agriculturist, R/o. Falegaon, Tal.
Babulgaon, District Yavatmal
- (12) **Maroti Mahadev Mungbhate,**
Aged about 75 years, Occ.
Agriculturist, R/o. Falegaon, Tal.
Babulgaon, District Yavatmal
- (13) **Narayan Laxman Kaner,**
Aged about 48 years, Occ.
Agriculturist, R/o. Falegaon, Tal.
Babulgaon, District Yavatmal
- (14) **Narayan Laxman Kaner,**
Aged about 48 years, Occ.
Agriculturist, R/o. Falegaon, Tal.
Babulgaon, District Yavatmal
- (15) **Dnyaneshwar Ganpat Bawankar,**
Aged about 68 years, Occ.
Agriculturist, R/o. Falegaon, Tal.
Babulgaon, District Yavatmal

- (16) **Dnyaneshwar Dnyanoba Chahakar**,
(Dead) Through its Legal Heir **Chandrakala Dnyaneshwar Chahakar**, Aged about 75 years, Occ.
Agriculturist, R/o. Falegaon, Tal.
Babulgaon, District Yavatmal
- (17) **Bhagirathi Kashinath Shilar** (Dead)
Through its Legal Heir **Durgabai Sadashiv Dhonge** (Daughter), Aged
about 70 years, Occ. Agriculturist,
R/o. Falegaon, Tal. Babulgaon,
District Yavatmal
- (18) **Rama Natthuji Dhonge**
(Dead) Through its Legal Heir
Bhagwan Rama Dhonge, Aged about
55 years, Occ. Agriculturist, R/o.
Falegaon, Tal. Babulgaon, District
Yavatmal
- (19) **Ambadas Antram Thakur** (Dead)
Through its Legal Heir **Narayan Ambadas Thakur**, Aged about 50
years, Occ. Agriculturist, R/o.
Falegaon, Tal. Babulgaon, District
Yavatmal

- (20) **Shankar Shripad Khadse**
(Dead) Through its Legal Heir
Radhabai Shankar Khadse (Dead)
Bhagwan Shankar Khadse, Aged
about 50 years, Occ. Agriculturist,
R/o. Falegaon, Tal. Babulgaon,
District Yavatmal
- (21) **Ganpat Mahadev Bawankar** (Dead)
through its Legal Heir **Sita Ganpat**
Bawankar (Dead) **Dnyaneshwar**
Ganpat Bawankar, Aged about 65
years, Occ. Agriculturist, R/o.
Falegaon, Tal. Babulgaon, District
Yavatmal

PETITIONER(S)

// VERSUS //

- (1) **The State of Maharashtra**,
Irrigation Department, Through its
Secretary, Mantralaya, Mumbai
- (2) **The Collector**,
Yavatmal

(3) The Special Land Acquisition Officer and Deputy Collector, Bembla Project, Yavatmal

(4) The Executive Engineer, Bembla Project Department, Yavatmal, Tal. & District Yavatmal

RESPONDENT(S)

.....
Shri P.S. Kshirsagar, Advocate for the Petitioner(s)
Shri A.S. Fulzele, Addl. GP for the Respondent/State
Ms. M.V. Babhulkar, Advocate for the Respondent No. 4
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CORAM : M.S. JAWALKAR & PRAVIN S. PATIL, JJ.
AUGUST 07, 2025

ORAL JUDGMENT :- (PER:- M.S. JAWALKAR, J.)

. **RULE. Rule made returnable forthwith.** Heard finally by consent of learned Counsel for the respective parties.

(2) By this Writ Petition, the Petitioners are praying for quashing and setting aside the order dated 15/02/2023 passed by the Respondent No. 3 – Deputy Collector, (Land Acquisition), Bembla Project, Yavatmal thereby rejecting the Application filed by the Petitioners – land owners under Section 28A of the Land

Acquisition Act, 1894 (hereinafter referred to as “the said Act”) on the basis of the judgment dated 23/09/2015 passed in LAC No. 824/2006 by the learned Civil Judge Senior Division, Yavatmal under Section 18 of the said Act.

(3) On perusal of the order dated 15/02/2023, it appears that the claim of the Petitioners came to be rejected only on the ground that the Petitioners have already received an amount of Rs. 78,679/- as a rehabilitation compensation.

(4) Learned Counsel for the Petitioners relied on the judgment passed by this Court in **Writ Petition No. 2495/2023 (Gunvanta Maroti Mohod & others vs. State of Maharashtra & others)** wherein this Court held that rejection of Application under Section 28A of the said Act is incorrect, as the provisions of Section 28A of the said Act seek to bring about a parity in the matter of grant of compensation, so as to do away with any claim of discrimination on that ground. Relying on the judgment passed by this Court in the case of **Motiram Zingar Wawre vs. State of Maharashtra & others, 2017 (4) Mh.L.J. 627**, this Court allowed the said Writ Petition and directed the Special Land

Acquisition Officer to decide the entitlement of the Petitioners afresh under Section 28A of the said Act.

(5) Learned Counsel for the Respondent No. 4 – Acquiring Body placed reliance on the judgment passed by this Court in **Writ Petition No. 4199/2024 (Dilip Sheshrao Nagpure & others vs. State of Maharashtra & others)** wherein the judgment in Writ Petition No. 2495/2023 has also been considered. In the said matter, it is held that the amount of rehabilitation compensation awarded earlier should be considered while awarding the compensation under Section 28A of the said Act, provided that the compensation received under the rehabilitation has to be adjusted with the compensation under Section 28A of the said Act, if granted earlier.

(6) The Petitioner has no objection to dispose of the present Writ Petition in view of the proposition laid down in the judgment passed by this Court in Writ Petition No. 4199/2024.

(7) Hence, we proceed to pass the following order:-

ORDER

- (a) The Writ Petition is **allowed**.
- (b) The impugned order dated 15/02/2023 passed by the Respondent No. 3 – Deputy Collector, (Land Acquisition), Bembla Project, Yavatmal is hereby quashed and set aside.
- (c) The Respondent No. 3 - Land Acquisition Officer/Deputy Collector, Yavatmal is directed to decide the claim of the Petitioners within a period of two months.
- (d) The Respondent No. 4 – Acquiring Body shall adjust the amount awarded towards rehabilitation while granting compensation under Section 28A of the Land Acquisition Act, 1894.

Rule is made absolute in the above terms. Pending Application(s), if any, stand(s) **disposed of**.

(PRAVIN S. PATIL, J.)

(M.S. JAWALKAR, J.)