



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

WRIT PETITION NO. 4550 OF 2026

Gabaji Shamrao Kakad & Ors.

Vs.

The State of Maharashtra & Ors.

*Office Notes, Office Memoranda of Coram,
Appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. R.N. Ghuge, Advocate for the Petitioners.

Mr. D.V. Chauhan, Senior Advocate/Government Pleader with Mr. N.S. Autkar, AGP for Respondent Nos.1, 2 & 4/State.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 10.06.2026

Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The lands of the petitioners came to be acquired pursuant to the award dated 25.02.2008 (Annexure-C) for Khadakpurna project. The grievance of the petitioners is that they have not been paid the additional amount payable under Section 23(1A) of the Land Acquisition Act, 1894 (for short, the said Act) while passing such award. On the contrary other land owners from the Singaon Jahagir village whose lands were acquired pursuant to the Notifications dated 15.02.2009 and 28.03.2008 have been granted such benefit. The petitioners have therefore on 10.02.2026 made a representation to the respondent No.3 for grant of similar benefit in the form of compensation under Section 23(1A) of the said Act. Since there has been no response from the concerned respondent, the petitioners have approached this Court.

3. The learned counsel for the petitioners by referring to the decisions in *State of Punjab Vs. Amarjit Singh and anr. (2011) 4 SCC 734* and *Jaikishan (Dead) Thr. Legal Representatives Vs. State of Uttarakhand and ors. (2014) 12 SCC 164* submitted that the additional amount under Section 23(1A) of the said Act is required to be mandatorily paid along with other amounts of compensation while passing the award. Though such additional amount has been paid to the other land owners under subsequent award dated 15.02.2009 for the same project, the petitioners have been deprived of such benefit. It is therefore prayed that the petitioners be granted the aforesaid benefit.

4. The learned counsel for the respondents seek time to take instructions in that regard.

We find that the legal position in this regard is clear from the decisions relied upon by the learned counsel for the petitioners. In that backdrop the interests of justice would be served by directing the respondent No.3 to consider the aforesaid decisions as well as the communication dated 03.10.2022 (Annexure-F) issued by respondent No.3 as also order dated 16.10.2024 in Writ Petition Nos.7723/2022 and 7751/2022 (Annexure-G) and apply the same to the petitioners by deciding their representation dated 10.02.2026. If necessary the representative of the petitioners can be heard in the matter by the respondent No.3 while adjudicating upon the said representation within a period of four weeks from receipt of copy of this order. If the petitioners are found entitled to the

relief as prayed for, same shall be expeditiously released in favour of the petitioners within eight weeks from the date of such decision. If the grievance of the petitioners remains unredressed they are free to take legal recourse in accordance with law.

Rule is made absolute in aforesaid terms. No costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

Vijaykumar