

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.1601 OF 2015

Jalinder Laxman Gore  
age: 53 years, occu: Agri  
R/o Village Kolhi, Tq. Vaijapur  
District: Aurangabad

Petitioner

Versus

- 1 The State of Maharashtra  
through its Secretary  
Agriculture Department,  
Mantralaya, Mumbai
- 2 The Collector, Aurangabad  
District: Aurangabad
- 3 The Special Land Acquisition Officer,  
Jaikwadi Project  
at Aurangabad
- 4 The Chief Executive Officer,  
Zillha Parishad, Aurangabad
- 5 The Secretary to  
Government of Maharashtra,  
EGS Department, Mantralaya, Mumbai

Respondents

Mr.P.A.Kulkarni advocate for the petitioner  
Mr.U.S.Mote, AGP for Respondent No.1 to 3  
Mrs. Rekha Ladda advocate for respondent No.4

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CORAM : R.M. BORDE &  
P.R. BORA, JJ

Dated : 9<sup>th</sup> OCTOBER, 2015.

**ORAL JUDGMENT****(Per: R.M.Borde, J)**

1      Heard.

2      Rule.

3      With the consent of parties, petition is taken up for final disposal at admission stage.

4      The grievance raised by the petitioner, in the instant Petition is that, although the agricultural land belonging to the petitioner admeasuring 2 Hectors & 99 R has been taken possession of by the respondents for public purposes, neither the Award has been declared, nor amount of compensation has been paid till today. The petitioner contends that the agricultural land belonging to him situate at Safiyabadwadi admeasuring 2 hectors & 99 R is taken possession for construction of village tank in the year 2006. It is further contended that the project work of construction of tank was completed in 2011. However, in spite of repeated requests made by the petitioner, neither the acquisition proceedings were initiated, nor the amount of compensation has been paid to him. It is further stated that Notification under section 4(1) of the Land Acquisition Act was issued on 2.1.2008. However, the proceedings were not persuaded further. As such, those have lapsed by virtue of passage of time.

5 This Court, by issuing interim directions on 24.6.2015 mandated the respondents to deposit a sum of Rs.7,50,000/- in this Court and accordingly, the amount has been deposited. We direct that, the petitioner shall be permitted to withdraw the aforesaid amount deposited by respondent unconditionally. The respondents are also further directed to initiate the land acquisition proceedings forth with and complete the same proceedings including declaration of Award and payment of compensation to the petitioner on such determination, as expeditiously as possible and preferably within a period of two years from today. The amount already paid to the petitioner shall be adjusted while making final payment under the Award which would be declared by the respondent in pursuance to the instant order.

6 Rule is accordingly made absolute.

7 There shall be no order as to costs.

8 Pending Civil Applications do not survive and stand disposed of.

(P.R. BORA, J)

(R.M.BORDE, J)