

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

WRIT PETITION NO.2642 OF 2015

1. Shri Kacharu s/o Sandu Sonone,
Age 50 years, Occup. Agril.
r/o Khandala,
Tq. Bhokardan, Dist. Jalna.

...PETITIONER

VERSUS

1. The State of Maharashtra
(through its Secretary)
Mantralaya, Mumbai.
2. The Collector, Jalna,
District Jalna.
3. The Executive Engineer, M.I.Division,
Zilla Parishad, Jalna.
4. The Deputy Engineer, M.I.,
(Zilla Parishad)Sub Division, Jalna.

...RESPONDENTS

...

Mr. Sandeep N.Lute, Advocate for the petitioner.
Mr.N.B.Patil, AGP., for respondent State.
Mr.S.S.Tope, Adv., for respondent nos. 3 and 4.

...

WITH

WRIT PETITION NO.2646 of 2015

1. Shri Apparao s/o Bhavarao Phuke,
Age 53 years, Occup. Agril.,
r/o Khandala,
Tq. Bhokardan, Dist. Jalna.

...PETITIONER

VERSUS

1. The State of Maharashtra
(Through its Secretary)
Mantralaya, Mumbai.
2. The Collector, Jalna,
District Jalna.
3. The Executive Engineer, M.I.Division,
Zilla Parishad, Jalna.
4. The Deputy Engineer, M.I.,
(Zilla Parishad)Sub Division, Jalna.

...RESPONDENTS

...

Mr. Sandeep N.Lute, Advocate for the petitioner.
Mr.N.B.Patil, AGP., for respondent State.
Mr.S.S.Tope, Adv., for respondent nos. 3 and 4.

...

CORAM: R.M.BORDE

AND

P.R.BORA, JJ.

DATE : SEPTEMBER 11th, 2015

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

1. Heard. Rule. Rule made returnable and heard forthwith with the consent of the learned Counsel appearing for the parties.

The petitioners are requesting for issuance of directions to the respondents to pay the amount of compensation in respect of the lands acquired for public purpose without initiating proceedings for acquisition of the lands within the contemplation of the provisions of the Land Acquisition Act.

2. It is not a matter of dispute that the agricultural lands belonging to the petitioners situate at village Khandala, Tq. Bhokardan, district Jalna, have been taken

in possession for construction of percolation tank in the year 2003. It is also not disputed before us that the construction of the percolation tank is complete, however, the proceedings in respect of acquisition of the lands have not yet been initiated and, as such, the compensation amount has not been determined, and paid to the claimants / petitioners.

2. At the stage of admission hearing of the matter, we directed the respondent Zilla Parishad to deposit a sum of Rs.10,00,000/- (Rs. ten lacs) in this Court, in each of the petition and accordingly, amount has also been deposited. We have also permitted the petitioners to withdraw the aforesaid amount deposited by the Zilla Parishad, unconditionally.

3. Since the agricultural property belonging to the petitioners has been taken in possession by the State as well as the Zilla Parishad without observing procedure prescribed under the Land Acquisition Act, we direct the respondent no.1 State Government and respondent no.2 Collector to initiate land acquisition proceedings and determine the compensation and declare the award in accordance with the provisions Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as expeditiously as possible preferably within a period of one year from today.

Respondent nos. 3 and 4 undertake to tender proper proposal to respondent no.2 Collector within a period of

four weeks from today and the Collector shall accept the proposal which would be tendered by respondent nos. 3 and 4.

The amount already permitted to be withdrawn by the petitioners in the instant petitions shall be adjusted while disbursing the amount arrived at under the award that would be declared by respondent nos. 1 and 4.

With the directions as above, the writ petitions are disposed of. Rule is accordingly made absolute. There shall be no order as to costs.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

...

AGP/2642-2646-15wp