

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

WRIT PETITION NO.2728 OF 2014

1. Shri Nana s/o Narayan Sonone,
Age 40 years, Occup. Agril.
2. Shri Bhanudas s/o Narayan Sonone,
Age 35 years, Occup. Agri.
3. Shri Dadarao s/o Namdeo Sonone,
Age 30 yrs, Occup. Agril.

All of above r/o Jainpur Kotara,
Tq. Bhokardan, Dist. Jalna.

...PETITIONERS

VERSUS

1. The State of Maharashtra
(through its Secretary)
Grmvikas Jalsandharn department,
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

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Mr. Sandeep N.Lute, Advocate for the petitioners.

Mrs. V.A.Shinde, AGP, for respondent State.

Mr. Umesh More, Advocate, for respondent nos. 3 &
4. ...

**CORAM: R.M.BORDE
AND
P.R.BORA, JJ.**

DATE :March 9th, 2015

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

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

2. The petitioner contends that an area to the extent of 3 Hectares out of land Gat No.115 and 110 situate at village Jainpur Kotara, taluka Bhokardan, dist.Jalna, has been taken in possession by the respondents for percolation tank in the year 2008, however, the amount of compensation has neither been determined nor paid to the petitioner. Petitioner does not dispute that in the year 2008, he delivered the possession of property described above for construction of percolation tank. Petitioner submits that he was assured payment of compensation which would be determined in accordance with the provisions of the Land Acquisition Act, however, in spite of repeated requests to the respondent nos. 3 and 4, the amount has neither been determined nor paid to the petitioner.

3. There is no dispute that the land belonging to the petitioner to the extent specified above has been utilized for construction of percolation tank by the respondents and the tank has been actually constructed in the year 2011. The respondents neither initiated land acquisition proceedings for

determination of the amount of compensation nor have entered into negotiations with the petitioners in respect of value of their landed property.

4. This Court, while entertaining the petition, had issued directions to the respondents on 21st July, 2014, to deposit a sum of Rs.3,00,000/- (Rs. three lacs) in this Court. In compliance with the directions issued by this Court, respondent nos. 3 and 4 have deposited the amount which has been permitted by to be withdrawn by the petitioner while disposing of Civil Application No.10896/2014 tendered by the petitioner on 14th November 2014.

5. In the facts and circumstances of this case, this petition can be disposed of with direction to respondent nos. 3 and 4 to tender a proposal in respect of acquisition of the land referred to above to respondent no.2 as expeditiously as possible preferably within a period of two months from today. On receipt of the proposal, respondent no.2 shall ensure determination of amount of compensation and passing of award in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as expeditiously as possible and preferably, within two years from the date of receipt of the proposal. The amount of Rs.3,00,000/- (Rs. three lacs) already received by the petitioners in pursuance to the directions issued in the instant matter shall be adjusted while making disbursement of the amount of compensation to the petitioners under the award directed to be declared as above.

With the directions as above, writ petition is disposed of.

Rule is made absolute accordingly. There shall be no order as to costs.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

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AGP/2728-14wp