

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

WRIT PETITION NO.10901 OF 2014

Sanjay s/o Prataprao Deshmukh
Age: 50 Yrs. Occ. Agril.
R/o Nevpur, Tq. Kannad,
District Aurangabad.

- PETITIONER

VERSUS

- 1) The State of Maharashtra.
- 2) The Collector, Aurangabad,
District Aurangabad.
- 3) The Special Land Acquisition Officer
Aurangabad, Dist. Aurangabad.
- 4) The Executive Engineer (NMC),
Division Vaijapur, At present
MID-1, Sinchan Bhawan,
Aurangabad, Through GMIDC Office,
Aurangabad, Dist. Aurangabad.

- RESPONDENTS

Mr.Dattatraya R.Jaybhar, Advocate for Petitioner;
Mr.VH Dighe,AGP for Respondent Nos. 1 to 3;
Mr.SC Arora, Adv. For Respondent No.4.

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

DATE : 24th August,2015.

ORAL JUDGMENT (PER:- R.M.BORDE,J.)

- 1) Heard. Rule. Rule made returnable
forthwith. With the consent of learned Counsel for
the parties, the petition is taken up for final
disposal at admission stage.

2) It is not a matter of dispute that the land to the extent of 73 R. out of Gat No. 294 of village Nevpur, Tq. Kannad, District, Dhule, has been taken in possession by the acquiring body for the purposes of Nevpur Medium Project, without observing procedure prescribed under the Land Acquisition Act, 1894.

3) The Respondent/State apparently initiated the proceedings for determination of compensation of land with issuance of Section 4 Notification on 31.01.2004. However, the proceedings were abandoned and no final Award has been passed.

4) It is further not a matter of controversy that neither the acquiring body nor the State Government has paid compensation in respect of acquisition of the land belonging to the petitioner. The petitioner, whose land has been taken away in the year 1981, has been left without payment of compensation. We must observe here that this is not an isolated incident in respect of mode and manner of acquisition in this region, however, it is a common experience noticed by this Court that the acquiring

bodies or the State Government take away the properties of owners without observing the procedure prescribed under the Land Acquisition Act or without making payment of compensation and in many such matters, in spite of issuance of directions in respect of payment of compensation, those are also not adhered to and repeatedly the agriculturists, whose lands are acquired, are required to approach this Court.

5) In the instant matter, by virtue of the interim directions issued by this court, the acquiring body has deposited a sum of Rs.2,00,000/- (Rupees two lakhs) in this Court. We permit the petitioner to withdraw the aforesaid amount deposited by the acquiring body unconditionally. The Respondents are directed to initiate proceedings for determination of amount of compensation in accordance with The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; and pass a final Award within a period of one year from today. The respondents are further directed to make payment of amount of compensation, so determined, to the petitioner within the period

specified above. It is made clear that the amount that is permitted to be withdrawn by the petitioner to the extent of Rs.2,00,000/-, shall be adjusted while making final payment under the Award that would be passed by the respondents in accordance with the directions issued by this Court in the instant petition.

6) Rule is made absolute in above terms. There shall be no order as to costs.

sd/-
(P.R.BORA)
JUDGE

sd/-
(R.M.BORDE)
JUDGE

bdv/