

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
PUBLIC INTEREST LITIGATION NO.49 OF 2014

Gram Panchayat, Mamurabad,
through its Sarpanch,
Shri Raosaheb s/o Hari Patil,
age: 42 years, Occ: Agril.,
R/o Village Mamurabad,
Tq. & District Jalgaon.

Petitioner

Versus

01 The State of Maharashtra,
through its Principal Secretary,
Water Resources Department,
Mantralaya, Mumbai-32.

02 The Collector, Jalgaon.

03 The Special Land Acquisition
Officer No.1, Jalgaon.

04 The Executive Director,
Tapi Irrigation Development
Corporation, Jalgaon,
District Jalgaon.

05 The Executive Engineer,
Waghur Dam Division, Jalgaon,
District Jalgaon.

06 M/s Mall Enterprises,
'RAMDEV", Town Centre,
CIDCO, Aurangabad.

07 M/s Paramkripa Constructions,
Aurangabad.

Respondents

Mr.P.M.Shah, Senior Counsel i/by Mr.G.N.Patil, advocate for the
petitioner

Mrs.M.A.Deshpande, A.G.P. for Respondents No.1 to 3.

Mr.S.D.Dhongade, advocate for Respondents No.4 & 5.

**CORAM : R.M.BORDE &
V.K.JADHAV, JJ.**

Reserved on : 15th September, 2015
Pronounced on : 21st September, 2015

PER COURT:

1 The petitioner, in the instant Public Interest Litigation, seeks directions to the Respondents-authorities to take steps for taking possession of acquired lands and to start construction work of Asoda Branch Canal of Waghur Irrigation Project to the extent of 1.87 K.M and minor Nos. 4 and 5 in the area of village Mamurabad and complete the construction work of the said canal within prescribed time frame.

2 We have separately dealt with writ petitions i.e. WPs No.2390 of 2015 and 610 of 2014, challenging acquisition proceedings by the claimants whose land is sought to be acquired for Asoda Branch Canal, including the claimants residing in village Mamurabad; and issued certain directions in respect of determination of compensation in accordance with provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3 In view of the judgment delivered by us today in Writ Petitions No.2390 of 2015 and 610 of 2014, no separate directions need be issued in the instant PIL. It would be obligatory on the part of Respondent-State authorities to commence the work of construction of Asoda Branch Canal of Waghura Irrigation Project to the extent of 1.87 K.M and minor Nos. 4 and 5 in the area of

village Mamurabad on completion of acquisition proceedings in accordance with provisions of the Act of 2013.

4 We have already provided time frame of six months for determination of amount of compensation and payment of amount to the claimants. It would be obligatory on the part of Respondent-State authorities to resume construction work of branch canal and complete same within shortest possible time frame.

5 In the facts and circumstances of the case, no separate directions need be issued in the instant Public Interest Litigation and same stands disposed of accordingly. Pending Civil Application, if any, does not survive and stand disposed of.

V.K.JADHAV
JUDGE

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R.M.BORDE
JUDGE