

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

WRIT PETITION NO.6812 OF 2014

1. Narayan Pandurang Mandage
Age 25 years, Occ. Agril.,
2. Sushil Subhash Waykos
Age 30 years, Occ. Agril.,
3. Ajinath Damodhar Wagh,
Age 30 years, Occ. Agril.,
4. Bhikan Mahadu Mandade,
Age 30 years, Occ. Agril.,
5. Sow. Jijabai Pandurang Mandade
Age – 55 years, Occ. Agril.,

All R/o Wadod Khurd,
Tal – Fulambri,
Dist. Aurangabad.

...PETITIONERS

VERSUS

1. The State of Maharashtra,
Through Secretary,
Irrigation Department,
Mantralaya, Mumbai – 32.
2. The Collector,
Collector Office, Aurangabad.
3. The Dy. Collector (Land Acquisition)
Collector Office, Aurangabad.
4. The Executive Engineer,
Minor Irrigation Division No.1,
Sinchan Bhavan,
Aurangabad.

...RESPONDENTS

Mr.N.J. Pahune Patil, Advocate, for petitioners;
Mrs. M.A. Deshpande, AGP., for Respondents No.1 to 3;
Mr. S.G. Bhalerao, Advocate for Respondent No.4.

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

DATE : **23rd JULY,2015.**

ORAL JUDGMENT (PER:- P.R.BORA,J.)

1) Heard. Rule, with the consent of parties, the petition is taken up for final hearing at the admission stage.

2) The grievance of the petitioners is, although the lands belonging to them have been taken over by the State and its authorities, neither an Award has been declared nor amount of compensation has been paid to them. It is contended that the possession of the landed property has been taken over in the year 2005 for the purposes of construction of water canal and construction work of the canal has also been completed.

. It is further contended by the petitioners that in view repeal of the earlier Land Acquisition Act in the year 2013, the proceedings in respect of acquisition and determination of compensation shall have to be taken up in accordance with The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, the Act of 2013).

3) An affidavit in reply has been presented on behalf of Respondent Nos. 2 and 3, wherein it has been admitted that the possession of the landed property belonging to the petitioners has already been taken for construction of the Water canal and the project work has also been completed. It is further stated that an Award needs to be passed in accordance with the provisions of the Act of 2013. However, it is contended that since the acquiring body has not deposited the amount with the Land Acquisition Officer, further proceedings could not be taken

up.

4) In the facts and circumstances of the instant case, we direct Respondent No.4 – acquiring body to tender an appropriate proposal in respect of acquisition of the property within a period of six weeks from today. The Land Acquisition officer/Sub Divisional Officer/Deputy Collector (Land Acquisition), shall communicate tentative amount required to be deposited by the acquiring body, within a period of eight weeks from today. On receipt of communication from the Land Acquisition officer, Respondent No.4 shall ensure to deposit the amount with the Deputy Collector (Land Acquisition)/ or Collector, Aurangabad, within three months from the date of receipt of such communication. Respondent Nos. 2 and 3 are directed to complete the acquisition proceedings and pass an Award, as expeditiously as possible and preferably within two years from today.

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

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/