IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 CA/7595/2015 IN WP/2646/2015
WITH
CA/7593/2015 IN WP/2642/2015

THE EXECUTIVE ENGINEER, MINOR IRRGATION DIVN.
VERSUS
APPARAO BHAVARAO PHUKE AND ANR.
...
Advocate for Applicant/s: Mr. SS Tope, Advocate
Mrs. AV Gondhalekar, AGP for Respondent/State;
Mr. SN Lute, Adv. for Respondent/s (Petitioner in WP)
...
CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: July 16, 2015
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PER COURT :-

1) Heard. An application is presented by the local authority to seek modification of order passed by this Court, directing the local authority, to deposit a sum of Rs.10,00,000/- (Rupees ten lacs) in each of the petitions.

2) It is not a matter of dispute that the lands belonging to the petitioners, admeasuring 6 acres and 30 gunthas and 8 acres and 20 gunthas, have been taken in possession in the year 2008.

3) The responsibility of payment of compensation, has not been specifically denied by the local authority. It is not a matter of concern for the agriculturists as to from what source, the local authority receives the funds. The agricultural lands of the petitioners are taken in possession without following procedure prescribed under law and as such they are entitled to receive just compensation expeditiously. It would be open for the local authority to

approach appropriate limb of the Government for securing the funds. Since the lands belonging to the petitioners have been taken over without observing the procedure prescribed under the law, Respondent No.3 cannot disown the liability in respect of payment of compensation. The order passed by us on 17th June, 2015 has not been complied with by the acquiring body.

4) Considering the submissions made before us, we grant further eight weeks' time for complying with the directions. Civil Applications stand disposed of.

(P.R. BORA, J.) (R. M. BORDE, J.)

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