

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

WRIT PETITION NO.4583 OF 2014

1. Sampat s/o Bajirao Ghumare
Age 55 years, Occu. Agri.
2. Subhash s/o Pratap Ghumare
Age 40 years, Occu. Agri.
3. Kamal s/o Sampat Ghumare
Age 30 years, Occu. Agri.
4. Haridas s/o Bajirao Ghumare
Age 50 years, Occu. Agri.

All R/o Pargaon Ghumara
Tq. Patoda, District Beed.

... PETITIONERS

VERSUS

1. The State of Maharashtra
through Government Pleader,
High Court of Bombay,
Bench at Aurangabad
2. The Collector, Beed
District Beed.
3. The Special Land Acquisition Officer,
Minor Irrigation Division,
Beed, District Beed.
4. The Executive Engineer,
Minor Irrigation (Local Sector),
Beed, District Beed

... RESPONDENTS

Shri D.R. Jaybhar, Advocate for petitioners
Shri S.G. Karlekar, A.G.P. for State

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

DATED: 6th October, 2015.

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

1. Heard. Rule. Rule made returnable forthwith and taken up for final hearing at the admission stage.

2. The grievance of the petitioner is that, agricultural land belonging to him out of Gat No.891, admeasuring 3 Hectors 96 R of village Dhalewadi, Pargaon Ghumra is taken in possession prior to 1997 by the respondent authorities for construction of a village tank. The work of construction of tank is also completed long back, however, in spite of repeated requests made by the petitioner, the award in respect of acquired property was not declared nor the amount of compensation was paid to the petitioner.

3. By virtue of interim order passed by this Court on 15.4.2015, the respondent authorities were directed to deposit a

sum of Rs.20 Lakhs in this Court and in compliance thereof, the amount is stated to have been deposited. The petitioner shall have liberty to withdraw the amount deposited by the respondents in this Court without any precondition.

4. An affidavit-in-reply has been presented on behalf of respondent No.4, wherein it has been stated that, a proposal in respect of acquisition of the land would be submitted within 30 days. Since the affidavit was presented in the month of August 2015, we presume that the proposal must have been presented by the acquiring body in terms of the Act of 2013. It has further been stated in the affidavit that the award under the Act of 2013 would be declared as expeditiously as possible and in any case within the time stipulated under the new enactment. In view of the statement made on affidavit-in-reply, we dispose of this petition with a direction to the respondents No.1 and 2 to initiate proceedings for acquisition of land and declare the award in respect of the acquired property belonging to the petitioner and others who are similarly situated, as expeditiously as possible, preferably within a period of two years from today and it is accordingly directed.

5. The amount permitted to be withdrawn by the petitioner in pursuant to the directions issued by this Court shall be adjusted while making payment under the award that shall have to be declared under the Act of 2013. Rule is accordingly made absolute. There shall be no order as to costs.

(P.R. BORA, J.)

(R.M. BORDE, J.)