

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.1551 OF 2015

Mr.Tejpal Shrikant Ingale for the Petitioner  
Mr.V.S.Gokhale, AGP for the respondent Nos.1 to 5.

P.C.:

2 In the affidavit filed by Shri Shailesh Sharad  
Suryawanshi, the Deputy Collector (Resettlement),  
Kolhapur, the fact that the said lands of the  
petitioner have been taken over in the year 1996 and  
the fact that the same have been acquired have been  
admitted. In paragraph 9, Shri Suryawanshi has

stated thus:

"In view of the aforesaid facts and circumstances, I say that on receipt of the proposal from the Executive Engineer, Warna Canal Division No.1, Islampur, the proposal will be submitted to the Respondent No.5 for acquisition and the same will be completed as expeditiously as possible and the petitioner will be paid the compensation as per the Award."

3 The learned counsel for the petitioner on instructions states that the petitioner is not disputing the existence of public purpose and has no objection for the acquisition of the said lands. He pointed out that the present age of the petitioner is 96 years and he has been deprived of the compensation right from the year 1996.

4 Therefore, in terms of the assurance contained in the affidavit of Shri Suryawanshi, a time bound schedule will have to be fixed for completing acquisition and for making payment of compensation to the petitioner.

5 Accordingly, we dispose of the petition by passing the following order:

(I) We accept the statement of Shri Vipul Kuber Nandre, the Constituted Attorney of the petitioner that the petitioner has no objection

for acquiring the said lands bearing Gat Nos.546 and 533 admeasuring 80 Ares provided acquisition proceedings are completed in all respects within a time fixed by this Court;

(II) We, accordingly, direct the respondents to initiate acquisition proceedings in respect of the aforesaid lands and to complete acquisition proceedings by making an Award as expeditiously as possible and in any event, on or before 31<sup>st</sup> August 2016;

(III) We make it clear that on the failure of the State Government to abide by the aforesaid directions, without prejudice to the right of the petitioner of adopting appropriate remedy on the basis of the breach of this order passed by this Court, it will be open for the petitioner to file a fresh petition seeking restoration of the possession of the said lands;

(IV) Rule is accordingly made absolute on above terms;

(V) All concerned to act upon an authenticated copy of this order.

(A.S.GADKARI,J.)

(A.S.OKA,J.)