

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

Babgonda Nemgonda Patil ...Petitioner
vs.
The State of Maharashtra & Ors. ...Respondents

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

CORAM : A.S.OKA, &
A.S.GADKARI, JJ.
DATE : OCTOBER 23, 2015

1 Heard the learned counsel for the petitioner
and the learned AGP for the respondents. It is not
in dispute that the land of the petitioner has been
taken over by the respondents in the year 1996. It
is an admitted position that the possession of the
land bearing Gat 546 and 533 totally admeasuring 80
Ares situated at village Kothali, Taluka Shirol,
District Kolhapur was taken over from the
petitioner. The mutation entry No.3625 dated 13th
February 1996 records this fact of taking over
possession.

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 31st 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.)