

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

rpa

WRIT PETITION NO.3559 OF 2015

Mahadu Bahiru Borade & Ors.	.. Petitioners
Vs.	
The State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION (ST.) NO.31927 OF 2014**

Ramdas Ramchandra Borade & Ors.	.. Petitioners
Vs.	
The State of Maharashtra & Ors.	.. Respondents

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Mr.Pramod Narayan Joshi, Advocate for the Petitioner in
W.P.No.3559 of 2015
Mr.Anil Ahuja a/w. Ms.Bhavana Khemani, Advocate for the
Petitioner in W.P.(st.) No.31927 of 2014.
Mr.A.B. Vagyani, G.P. a/w. Mr.A.I. Patel, AGP for the Respondent
Nos.1 to 3.
Mr.Murlidhar Laxman Patil, Advocate for the Respondent No.4
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CORAM : A.S. OKA &

C.V. BHADANG, JJ.

DATED : APRIL 21, 2015.

P.C. :

Additional affidavit of Shri Bhimrao Abhiman Shinde,
Deputy Collector, Land Acquisition - 2 affirmed on 20th April,
2015 is placed on record. In the affidavit, it is stated that

District Collector has granted approval on 16th April, 2015 to commence fresh acquisition proceedings under the Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “the said Act of 2013”, for short). In paragraph 2 of the said affidavit a time bound schedule for completing the process of acquisition has been set out.

2 We must note here that the purpose of acquisition is of setting up Sewage Treatment Plant (hereinafter referred to as “STP”, for short). Setting up STP is a matter of great necessity and urgency for the purposes of preventing pollution of river Godavari. Therefore, it is the responsibility of the State to ensure that the acquisition is completed in a time bound manner as assured in the affidavit.

3 In view of the stand taken on oath, it is obvious that the acquisition proceedings subject matter of challenge in these two petitions do not survive as the statement on oath is to initiate a fresh acquisition proceedings under the said Act of 2013.

4 Accordingly we dispose of these petitions by passing the following order:

:: ORDER ::

(i) The reliefs prayed for in these petitions do not survive in view of the affidavit of Shri Bhimrao Abhiman Shinde;

(ii) We direct the State Government to complete the acquisition proceedings in accordance with law in terms of the statements made in the affidavit of Shri Shinde considering the extreme urgency involved in the matter;

(iii) At the time of carrying survey in accordance with Section 12 of the said Act of 2013, necessary police protection shall be granted to the State Government officers. The officer in-charge of the concerned local police station shall grant police protection on production of an authenticated copy of this order;

(iv) The petitions are disposed of on the above terms.

(C.V. BHADANG, J.)

(A.S. OKA, J.)