

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

WRIT PETITION NO. 912 OF 2016

Santosh Sundarlal Agrawal .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Satish B. Talekar, Advocate for the Petitioner.

Shri S. P. Sonpawale, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.**

DATE : 21ST APRIL, 2016.

PER COURT :

. Mr. Talekar, the learned counsel for the petitioner submits that, the possession of 23R land of the petitioner is already been taken by respondents. Even earlier notification U/Sec. 4 of the Land Acquisition Act was issued, however, subsequently no further steps are undertaken. The learned counsel submits that, since 2008 the land is in possession of respondents. The respondents be directed to pay compensation as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act. So also the petitioner is entitled for the rental compensation.

2. Mr. Sonpawale, the learned Assistant Government Pleader

states that, the Sub Divisional Officer and the Land Acquisition Officer have filed affidavit in reply and the land acquisition proceedings would be commenced as the negotiations have failed.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. Para 10 of the affidavit in reply filed by respondents reads as under :

"10) I, say and submit that in the matter, the notification under section 4 of the Land Acquisition Act 1894 was issued on 13/02/2014 which is being lapsed today. Hence fresh land acquisition proceeding is required to be initiated. The Land Acquisition is for National Highways and adjacent part of petitioner's land measuring 0.20R is already acquired by National Highway Authority of India for expansion of existing road and compensation has been paid to the petitioner. Hence the remaining part 0.23 R needs to be acquired, according to National Highways Act 1956."

5. In view of above, the respondents have agreed to initiate acquisition proceedings for 23R land.

6. The respondents/State shall commence the acquisition proceedings as stated in their affidavit within period of four (04)

months from the date of this order. The petitioner may move the appropriate authority for his claim of rental compensation. The writ petition is disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 16