

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

Writ Petition No. 1271 of 2015

Raghunath s/o. Laxman Pathare,
Age : 50 years,
Occupation : Agriculture,
R/o. Balewadi, Taluka : Ashti,
District : Beed.

.. Petitioner.

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 No.2, Beed,
District : Beed.
4. The Executive Engineer,
Minor Irrigation Division,
Zilla Parishad, Beed.

.. Respondents.

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Mr. D.R. Jayabhar, Advocate, for the petitioner.

*Mr. V.H. Dighe, Asst. Government Pleader, for
respondent nos.1 to 3.*

Mr. A.D. Aghav, Advocate, for respondent no.4.

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**CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.**

DATE : 25TH JANUARY 2016

COURT'S ORDER (Per S.V. Gangapurwala, J.) :

1. Mr. Jayabhar, the learned Counsel for the petitioner, submits that the possession of the land of the petitioner has been taken in the year 2004. On 3rd July 2012, notification under Section 4 of the Land Acquisition Act, 1894, was also issued. However, subsequently no further proceedings have been taken up. The said proceedings have lapsed. The respondents are required now to initiate fresh proceedings for acquisition under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 **[For short, hereinafter referred to as “Act of 2013”]**.

2. Mr. Dighe, the learned Asst. Government Pleader for respondent nos.1 to 3, submits that the proposal will have to be submitted by the acquiring body for acquisition as per the Act of 2013, as the earlier acquisition proceedings stand lapsed.

3. Mr. Aghav, the learned Counsel for respondent no.4, submits that the respondent no.4 has not received any letter from the State asking for fresh proposal. The acquiring body had submitted the proposal in the year 2007 itself.

4. It appears that after issuance of notification under Section 4 of

the Land Acquisition Act, 1894, no further proceedings have been undertaken. Naturally, the said proceedings stand lapsed. The respondents would be required to initiate fresh proceedings under the Act of 2013. The acquiring body has deposited Rs. 3,00,000/- pursuant to the orders passed by this Court dated September 11, 2015.

5. Respondent no.4 - acquiring body shall send proposal for acquisition as per the Act of 2013, within a period of three months from today. On receipt of the said proposal, respondents / authorities shall initiate the acquisition proceedings as per the Act of 2013, within three months and complete the acquisition proceedings expeditiously.

6. The amount of Rs. 3,00,000/-, deposited by respondent no.4 in this Court, is allowed to be transferred to the Special Land Acquisition Officer and the petitioner or such other interested persons may claim the said amount as an advance towards compensation.

7. With the above directions and observations, the Writ Petition is disposed of. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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