

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

WRIT PETITION NO. 3178 OF 2004

Vishambar S/o. Dada Sulsule,
Age : 51 Years, Occu. : Agri.,
R/o. Village Antarwala, Tq.
and Dist. : Jalna .. Petitioner

Versus

1. The State of Maharashtra,
Through Secretary,
Rural Development Department,
Maharashtra State, Mantralaya,
Mumbai
2. Sub-Divisional Officer and
Land Acquisition Officer,
Jalna, Tal. and Dist. : Jalna
3. Tahasildar, Jalna,
Dist. : Jalna
4. Kailas Gorantal,
Age : 40 Years, Occu. : Politics,
M. L. A., Jalna, R/o. : Jalna, Tq. and Dist. :
Jalna .. Respondents

Shri V. D. Salunke, Advocate for the Petitioner.
Shri A. P. Basarkar, A. G. P. for Respondent Nos. 1 to 3.
Shri S. B. Bhapkar, Advocate for the Respondent No. 4.

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

DATE : 12TH FEBRUARY, 2016.

ORAL JUDGMENT (*Per S. V. Gangapurwala, J.*) :-

. The notification under Section 4 of the Land Acquisition Act is assailed. Mr. Salunke, the learned counsel submits that, the land of the petitioner is being acquired for a non existing cause. There is no public purpose involved. The respondent even in the affidavit have stated that the other land is available for the purpose of burial ground of Buddha community.

2. The learned A. G. P. submits that the land which was allotted to the Buddha community was not accepted by the persons of that community and as such the present land is acquired.

3. The notification U/Sec. 4 of the Land Acquisition Act is dated 05.12.2003. This Court vide interim order has observed that the acquisition proceedings does not appear to be in public interest and had granted interim relief in terms of prayer clause "D".

4. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 came into force from 01st January, 2014. Even from the introduction of the new Act the acquisition proceedings is required to be completed. The award is not passed within the required period as is required.

5. In light of the above, the impugned notification is quashed and set aside. Rule accordingly made absolute in terms of prayer clause "B". No costs.

Sd/-

[A. M. BADAR, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

bsb/Feb. 16