

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

WRIT PETITION NO. 2932 OF 2015

Lahu Bala Jadhav

...PETITIONER

versus

State of Maharashtra and others

...RESPONDENTS

.....
Mr. R.R. Deshmukh, Advocate holding for
Mr. Atul R. Kale, Advocate for petitioner
Mrs. A.V. Gondhalekar, AGP for respondents

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

DATED : 21st JULY, 2016.

Order :-

1. Grievance of the petitioner is that percolation tank has been constructed in his land in the year 2006 and since then no steps are taken by respondents for acquisition of said land nor any amount of compensation is paid to the petitioner.

2. Mr. Kale, learned counsel for the petitioner states that time and again he approached respondents, but to no avail. This Court vide order dated 16-11-2015 had directed respondents to deposit amount of Rs. 2,00,000/- (Rupees Two Lakhs) within eight weeks from the date of order.

3. This Court vide order dated 14-03-2016 had issued notice in Form 1 under chapter XXXIV of the Bombay High Court

Appellate Side Rules 1960 to respondents No. 2 and 5, still amount was not deposited and grievance was made by respondents no. 2 and 5, that it is respondent No. 4, who ought to have deposited the amount.

4. This Court vide order dated 04-07-2016 had directed respondent No. 5 to personally remain present in the Court on next date with explanation as to why the amount as directed by this Court is not deposited.

5. The Officers concerned of respondents - authorities have filed their respective affidavits tendering unconditional apology in not complying the order of this Court. The reason given for the delay is that due to communication gap between the departments and due to administrative exigencies the delay was caused. We do not find the reason convincing. However, considering the fact that today respondents have submitted a cheque of Rs. 2,00,000/- (Rupees Two Lakhs) and that respondents No. 2 and 5 are the officers and the delay may have been caused due to some administrative reason, we have accepted unconditional apology. The notice, as directed by this Court vide order dated 14-03-2016 is dropped. Even notification under section of 11 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013(for short "the Act of 2013") has been issued. Naturally, the acquisition has

to be completed within stipulated period as per the provisions of Act of 2013.

6. Respondents shall deposit said cheque of Rs. 2,00,000/- (Rupees Two Lakhs) with Registry. The petitioner is entitled to withdraw said amount and the same shall be adjusted while computing payment of compensation amount to the petitioner at the time of passing award.

7. Writ petition stand disposed of. No order as to costs.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

MTK