

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3062 OF 2016

1 Navnath S/o Bhagwan Dahiwal,
age: 60 years, occu: Agril.,

2 Sachin s/o Navnath Dahiwal
age: 30 years, occu: Agril.,

3 Nitin S/o Navnath Dahiwal
age: 28 years, occu: Agril.,

All R/o Malegaon Chakala
Tq. Shirur Kasar, Dist. Beed
Presently R/o Kharwandi,
Tq. Pathardi, Dist. Ahmednagar

Petitioners

Versus

1 The State of Maharashtra,
Through The Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai 32

2 The Collector,
Collectorate, Beed

3 The Deputy Collector (Land Acquisition)
Beed Minor Irrigation, Beed
District : Beed.

4 The Executive Engineer,
Beed Irrigation Division,
Beed, Dist. Beed

Respondents

Mr.D.A. Bide advocate for the petitioners

Mr.S.S.Dande, Assistant Government Pleader for Respondents

CORAM : *R.M. BORDE &*
K.L.WADANE, JJ

(Date : 12th July, 2016.)

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

2 Rule. With the consent of the parties, petition is taken up for final decision at admission stage.

3 The petitioners are praying for issuance of directions to the respondents to complete the land acquisition proceeding, declare the Award, determining the amount of compensation payable to the petitioners in respect of acquired land and to pay the amount of compensation within the stipulated time frame.

4 It is the contention of the petitioners that, the agricultural land to the extent of 73-R and 4-R out of Gut Nos.294 and 296 of village Malegaon Chapla, Tq. Shirur Kasar, Dist. Beed, belonging to the petitioners, has been taken in possession for construction of minor irrigation tank long back. However, neither the Award has yet been declared nor the petitioners have been paid any amount towards the land value. It is further pointed out that, the proceedings in respect of acquisition under the provisions of the

Land Acquisition Act were initiated in the year 2002, however, those were dropped. Again the land acquisition proceedings were initiated for determination of amount of compensation in the year 2011 with issuance of Section 4 Notification. However, till this date, Award has not been declared.

5 It cannot be controverted that the provisions of The Right to Fair Compensation & Transparency In Land Acquisition, Rehabilitation & Resettlement Act, 2013 are enforced since 1.1.2014. In view of section 24 of the Act of 2013, if the proceedings of acquisition under the Old Act remained pending on the date of enforcement of the new enactment, the proceedings may continue, however, the determination of the amount of compensation shall be in accordance with Act of 2013. In the instant matter, since the proceedings are already initiated under the old enactment, it may continue, however, the determination of amount of compensation shall be in accordance with the Act of 2013.

6 The respondents shall determine the amount of compensation payable to the petitioners as expeditiously as possible and preferably within a period of six months from today. The respondents, including the acquiring body, shall pay the

amount of compensation on declaration of the Award within a period of one month from the date of such declaration.

7 Rule is made absolute accordingly. No costs.

(K.L.WADANE, J)

(R.M.BORDE, J)

vbd