

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6312 OF 2015

PRABHAKAR UPENDRARAO KULKARNI AND OTHERS
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. S. S. Halkude.
AGP for Respondent No.1 : Mr. A. P. Basarkar.
Advocate for Respondent No.3 : Mrs. Kalpalata Bharaswadkar Patil.
Respondent No.2 served.

. . .

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

DATE : 21ST JANUARY, 2016.

PER COURT:

1] Mr. Halkude, learned counsel for petitioner submits that in 1988 possession of the land was given. Even joint measurement had taken place. Section 4 notification was also issued. However, no further steps are taken for acquisition.

2] Mrs. Bharaswadkar, learned counsel for the respondent Acquiring Body submits that in one hectare of land, residential quarters are constructed and proposal was also mooted to release the 2.17 Hectares land. In the meanwhile, original owners sold the property and the acquiring body is required to file suit challenging the sale deeds.

3] Learned AGP submits that time and again letters have been issued to the Acquiring Body regarding initiation of acquisition proceedings.

4] If the Acquiring Body wants to release some part of the property, it is for the Acquiring Body to take adequate steps. As far as 1 Hectare of the area is concerned, the Acquiring Body states that it has

completed the construction of residential quarters. It is also not disputed that acquisition proceedings have not culminated into an award. Now, the Acquisition proceedings will have to be initiated under the new Land Acquisition Act.

5] Considering the above, we pass the following order :-

[a] Respondent State and Acquiring Body shall initiate acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2015, within a period of 3 months.

[b] The land which the Acquiring Body proposes to release, such action also shall be taken within a period of 3 months from today.

[c] The amount of Rs. 20 Lakhs deposited by the Acquiring Body is allowed to be withdrawn by the petitioners, on furnishing solvent security of the like amount. The said amount will be adjusted in the amount of compensation payable to the petitioners.

[d] It is made clear that the petitioners are at liberty to agitate their legal rights in appropriate proceedings.

[e] With these directions, Writ petition is disposed of.

[A.M. BADAR]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

grt/-