

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

WRIT PETITION NO. 6658 OF 2014

Vinayak Uttamrao Sukale
age 65 years, occ. Agril
r/o Sonegao Tq. Vashi
Dist. Osmanabad

.. PETITIONER

VERSUS

1. The State of Maharashtra
Through Secretrary
Irrigation Department
Mantralaya, Mumbai 32.
2. The Collector,
Collector Office,
Osmanabad
3. The Dy. Collector (Land Acquisition)
Medium Project No. 2,
Collector Office,
Osmanabad.
4. The Executive Engineer
Osmanabad Minor Irrigation
Division Osmanabad

.. RESPONDENTS

Mr. N.J. Pahune Patil, advocate for petitioner.
Mr. V.M. Kangne, AGP for the State.

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**CORAM : R.M. BORDE &
K. L. WADANE, JJ.
DATE : 7th JULY, 2016.**

ORAL JUDGMENT : (PER R.M. BORDE, J.)

1. Heard learned counsel for the respective parties.
2. Rule. Rule made returnable forthwith and heard finally with the consent of learned counsel for the respective parties.

3. Agricultural properties belonging to petitioner are being taken in possession for the purpose of construction of canal. Respondents have initiated land acquisition proceedings with issuance of section 4 notification on 19-04-2014. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is enforced with effect from 01.01.2014. In view of section 24(1)(a) of the Act of 2013, where no award under section 11 of the Land Acquisition Act has been made then all the provisions of the Act of 2013 relating to determination of compensation shall apply. In the instant matter, proceedings are initiated after enforcement of the Act of 2013 however, the provisions of old act have not been made applicable. It shall be mandatory for the respondent authorities to initiate fresh proceedings under the Act of 2013. The proceedings initiated under the old act after enforcement of the Act of 2013 cannot be said to have been saved. Respondents are as such directed to initiate the land acquisition proceeding in accordance with the provisions of the Act of 2013 and pass award as expeditiously as possible, preferably within a period of one year from today. Rule made absolute. No costs.

(K. L. WADANE)
JUDGE

(R. M. BORDE)
JUDGE

dyb