

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7915 OF 2014

- 1 Alkabai w/o Prabhakar Patil,
age: 36 years, occu: Agril.
- 2 Radheshyam S/o Prabhakar Patil
age: 23 years, occu: Agril. & Education
Both R/o Chabutrae Post : Dhulpimpri
Tq. Parola, Dist. Jalgaon

Petitioners

Versus

- 1 The State of Maharashtra
Through Its Secretary of
Irrigation & Water Supply Department,
& Rural Development Dept.
Mantralaya, Mumbai 32
- 2 The Divisional Commissioner,
Nasik Division, Nasik
- 3 The Collector Jalgaon
Dist. Jalgaon
- 4 Special Land Acquisition Officer (M.I.)
Collector Office, Jalgaon
- 5 Dy. Collector (E.G.C.)
Jalgaon
- 6 Tahsildar, Parola
Dist. Jalgaon
- 7 The Chief Executive Officer,
Zillha Parishad, Jalgaon
- 8 Executive Engineer, Minor Irrigation &
Construction Department (Local level)
Jalgaon
- 9 Sub Divisional Officer, Minor Irrigation
(Water) Sub Division, Jalgaon

Respondents

Mr.P.B. Patil advocate for the petitioners
Mr. M.B. Bharaswadkar, Assistant Government Pleader for the State
Mrs. Chaitali Kutti, advocate for respondent Nos.7 to 9

CORAM : ***R.M. BORDE &***

K.L.WADANE, JJ

(Date : 16th June, 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 land belonging to the petitioners out of Gut No.23/5 and 23/6 is affected as a result of construction of percolation tank. It is the contention of the petitioners that the village percolation tank is constructed some ten years back in 2006 and the land belonging to the petitioners has been utilised. The petitioners approached the respondent authorities with a request to initiate the land acquisition proceedings and determine the amount of compensation and pay the same to the petitioners. However, their request has not been considered. As such, they have approached this Court seeking directions to the respondents

to determine and pay the compensation.

4 An affidavit in reply has been presented on behalf of respondent No.9 wherein, it has been stated that the land to the extent of 2 H belonging to the petitioners situate in village Umbre, Taluka Parola is submerged in village tank. It is further stated that a proposal was not forwarded since the construction of the tank was taken up under ` *Sampurna Gramin Rojgar Yojna* '. It is further stated that, the proposal for determination of the amount of compensation will be forwarded to the Collector within a period of three months from today.

5 In view of the statement, respondent No.9 is directed to tender proposal for determination of the amount of compensation in respect of submerged land belonging to the petitioner to the Collector, within a period of three months from today. On receipt of the proposal, the Collector shall take steps for determination of amount of compensation and ensure the payment of the amount to the petitioners, as expeditiously as possible and preferably within a period of one year from the date of receipt of the proposal. Other respondents, including the acquiring body shall ensure compliance of the order in respect of payment of compensation, as directed above.

6 Rule is made absolute accordingly.

7 There shall be no order as to costs.

(K.L.WADANE, J)

(R.M.BORDE, J)

vbd