

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

**WRIT PETITION NO. 9482 OF 2015
WITH
CIVIL APPLICATION NO. 5649 OF 2016**

Shri Vitthal Deochand Bainade
and another

...PETITIONERS

versus

State of Maharashtra and others

...RESPONDENTS

.....
Mr. B.S. Shinde, Advocate holding for
Mr. R.B. Shingare, Advocate for petitioners
Smt.S.S. Raut, AGP for respondents No. 1 and 2
Mr. K.M. Babhulgaonkar, Advocate for respondent Nos. 3 and 4
.....

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

DATED : 1st JULY, 2016.

Order :-

1. Mr. Shinde, learned counsel for petitioners states that award under the provisions of Right to Fair Compensation and Transparency in Land Acquisition (Rehabilitation and Resettlement) Act, 2013 has not been passed though possession of the land of the petitioners has already been taken.

2. Mr. Babhulgaonkar, learned counsel for respondents-acquiring body submits that acquiring body has submitted proposal to the State Government to initiate necessary acquisition proceedings. This Court vide order dated 11-02-2016 had asked respondents to state the time within which land acquisition proceedings shall be initiated. Thereafter, four months have been lapsed.

3. Considering the fact that acquiring body has already submitted the proposal, we direct respondent-State to initiate land acquisition proceedings within four months from the date of this order. In case, some compliances are required to be made, the same shall be made within aforesaid period.

4. Amount of Rs. 2,00,000/-(Rupees Two Lakhs) is deposited by respondents - acquiring body in this Court pursuant to order of this court. The petitioners are allowed to withdraw the said amount, however, the said amount shall be adjusted while award is being passed i.e. in the amount which may be determined by Special Land Acquisition Officer while passing the award.

5. In view of this, writ petition is disposed of. No costs.

6. In view of disposal of writ petition, pending civil application does not survive and stands disposed of accordingly.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

MTK