

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7959 OF 2013

Bhagirthibai W/o Maruti Dahiwal,
Age : 75 years, Occu. : Agriculture,
R/o Argadegavhan, Tq. Ghansangvi,
District : Jalna.

...PETITIONER.

VERSUS

- 1] The State of Maharashtra,
Through Government Pleader,
High Court of Bombay
Bench at Aurangabad.
- 2] The Collector, Jalna,
District Jalna.
- 3] The Special Land Acquisition Officer,
Building & Construction Division, Jalna,
District Jalna.
- 4] The Executive Engineer,
Building & Construction Division, Jalna,
District Jalna.

...RESPONDENTS

...
Advocate for Petitioner : Mr. Dattatraya R. Jayabhar.
AGP for Respondent Nos.1 to 3 : Mrs. S. S. Raut.
Respondent No.4 Served.

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

DATE : 22nd FEBRUARY, 2016.

PER COURT:

- 1] Rule. Rule made returnable forthwith. Heard finally with the consent of parties.
- 2] Mr. Jayabhar, learned counsel submits that the land of the

petitioner has been taken in possession by the respondents in the year 1995. Thereafter, notification under Section 4 of the Land Acquisition Act is issued and published in the Official Gazette on 1st August, 1996. Thereafter, personal notice under Section 4 is also issued on 3.9.1996. Thereafter on 27.12.2000, it was communicated by the SLAO that the acquisition proposal was received by his office, however, same has subsequently lapsed and to continue the proceedings, NOC of the B & C Department is necessary. As yet, the award has not been passed and no compensation has been paid.

3] Learned AGP, on instruction of the officer who is present in the court states that subsequent to the notification under Section 4 of the Land Acquisition Act, the office has undergone change and second division is created as such, the record is not available. The issuance of notification under Section 4 of the Land Acquisition Act is not disputed, however, further proceedings are not taken and even the Land Acquisition Officer has given letter to the B and C Department, as proposal submitted for acquisition has stood lapsed and whether the fresh proposal is being given and funds are allocated.

4] Respondents were supposed to pass an award within 3 years from the issuance of notification under Section 4. Even as per Section 11A, within 2 years from the issuance of declaration under Section 6 of the Land Acquisition Act. The petitioner is deprived of his property as well compensation amount for all these years. The petitioner is shown as owner of Gat No. 52 to the extent of 1 Hectare 47 R. Section 4 notification was issued in respect of the land of the petitioner.

5] There was total inaction on the part of the respondents in proceeding with the acquisition proceedings and taking it to its logical end. Land of the agriculturist has been acquired. The respondents were duty bound to pay compensation to the petitioner.

6] Considering the aforesaid aspects of the matter, we direct the respondents to initiate fresh acquisition proceedings within a period of 4 months from today and award shall be passed in respect of the land acquired of the petitioner, as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013. Writ petition is disposed of. Rule is made absolute in above terms.

[A.M. BADAR]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

grt/-