

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

WRIT PETITION NO. 12555 OF 2015

Ashok Shankar Bhole

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Vijay Y. Patil, Advocate for the Petitioner.

Ms. Vaishali N. Patil, A.G.P. for Respondent Nos. 1 to 3.

Mrs. Chaitali Chaudhari (Kutti), Advocate for Respondent Nos. 4 and 5.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 24TH NOVEMBER, 2016.

PER COURT :

. Mr. Patil, the learned counsel for the petitioner submits that, the land admeasuring 31R situated at village Borkhede (Kh), Tq. Yawal of the petitioner has been acquired for the purpose of construction of main canal. The possession has been taken in the year 2000 and the award U/Sec. 11 of the Land Acquisition Act 1894 has been passed on 05.07.2011. The learned counsel submits that, amount of compensation has not been yet paid to the petitioner as such. The learned counsel submits that, the respondents be directed to pay the compensation to the

petitioner as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013 (for short 'Act of 2013').

2. Mrs. Kutti, the learned counsel for the acquiring body i. e. respondent Nos. 4 and 5 accepts that, the compensation amount has not been deposited or paid to the petitioner.

3. The learned Assistant Government Pleader also submits that, as acquiring body has not deposited the amount, the same is not paid to the claimant.

4. As the amount of compensation has not been paid to the petitioner till passing of the Act of 2013 and almost three years have also lapsed thereafter. The compensation is not paid after introduction of new Act and for more than five years award has been passed. As such, U/Sec. 24 of the Act of 2013 the petitioner would be entitled for payment of compensation amount.

5. In the light of the above, we pass following order.

6. The respondents shall calculate the compensation payable to the petitioner as per the provisions of the Act of 2013. The said exercise be done expeditiously and preferably within a period of six months from today and thereafter the payment shall

be made within a period of three months. The writ petition is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Nov. 16