

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

WRIT PETITION NO. 10269 OF 2015

Sampat Dharmaji Darole and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri A. N. Nagargoje, Advocate for Petitioners.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 5.

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

DATE : 20TH JANUARY, 2016.

PER COURT :

. Mr. Nagargoje, the learned counsel for petitioners submits that, application was given seeking permission to exchange the land before the Sub Divisional Officer. The same is kept in abeyance only on the ground notification U/Sec. 4(1) of the Land Acquisition Act is issued and award is not yet passed. The learned counsel submits that, the land to the extent of 65R is only part of notification U/Sec. 4 of the L. A. Act and land in respect of which exchange is sought, is not affected by any acquisition. There was no impediment for the authorities to proceed ahead with the application.

2. Mr. Karlekar, the learned Assistant Government Pleader

submits that, exchange of land can only be by the orders of the Collector and the petitioners have not approached to the Collector. The acquisition proceedings are also initiated to the extent of 65R and possession of the said land is also taken.

3. Pursuant to the application filed by petitioners before the Sub Divisional Officer, certain enquiry is effected. It is for the authorities to consider whether to grant permission or not.

4. The appropriate authority shall consider the application of the petitioners (Exhibit - B) for grant of permission to exchange the property on its own merits in accordance with law and shall decide the same expeditiously and preferably within a period of six (6) months from today. The writ petition is disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]