

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.10053 OF 2014

Shri Akilkha s/o Banekha Pathan

...PETITIONER

VERSUS

The State of Maharashtra
and others.

...RESPONDENTS

...

Mr.Sandeep N. Lute Advocate for Petitioner.

Mr.P.S. Patil, A.G.P. for Resp. Nos.1 to 3.

...

**CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.**

DATE : 8TH JANUARY, 2016

ORDER :

1. The agricultural land belonging to the Petitioner out of Gut No.81 situated at Janephal, Tq-Vaijapur, Dist-Aurangabad to the extent of 6 Acres and 2 R has been taken in possession for construction of village tank in the year 2003. The proceedings in respect of acquisition were

initiated with issuance of Notification under Section 4 of the Land Acquisition Act on 23rd January 2004, however the proceedings were not pursued further and award was not declared.

2. The Petitioner has not been paid any compensation in respect of the land acquired. In these circumstances, this Petition can be disposed of by issuing directions to the Respondents to initiate proceedings in respect of the acquisition of the land under new Enactment and determine the amount of compensation and pay the same to the Petitioner within the specified time frame. The Respondents shall initiate the land acquisition proceedings and declare the award in respect of the land taken into possession belonging to the Petitioner, as expeditiously as possible, preferably within the period of ONE YEAR from today. On determination of the amount of compensation, the said amount, excluding the amount already paid to the Petitioner, shall be

paid to the Petitioner within the period of TWO MONTHS from the date of declaration of award.

3. In pursuance to the interim directions issued by this Court, an amount of Rs.6,00,000/- (Rupees Six Lakhs) has been deposited by the Respondents. The Petitioner shall be permitted to withdraw the said amount, unconditionally. The amount received by the Petitioner shall be taken into consideration while disbursing the amount determined under the award that would be declared by the Respondents.

4. With the directions as above, the Writ Petition stands disposed of.

5. Pending Civil Applications do not survive and stands disposed of, accordingly.

[A.I.S. CHEEMA, J.]

asb/JAN16

[R.M. BORDE, J.]