

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

Writ Petition No. 6225 of 2015

District : Beed

1. Sunil s/o. Vishwanath Jadhav,
Age : 35 years,
Occupation : Agriculture.
2. Ramesh s/o. Keshav Darade,
Age : 38 years,
Occupation : Agriculture.
3. Rama Sukhdev Darade,
Age : 50 years,
Occupation : Agriculture.
4. Tushar s/o. Ramchandra Darade,
Age : 30 years,
Occupation : Agriculture.

All R/o. Naferwadi,
Taluka : Patoda,
District : Beed.

.. Petitioners.

versus

1. The State of Maharashtra,
Through Government Pleader,
High Court of Bombay,
Bench at Aurangabad.
2. The Collector, Beed,
District : Beed.
3. The Deputy Collector
(Land Acquisition),
Minor Irrigation, Beed,
District : Beed.

4. The Executive Engineer,
Minor Irrigation Division,
Beed, District : Beed.

5. The Deputy Engineer,
Minor Irrigation Division,
Zilla Parishad,
Sub-Division, Patoda,
Beed, District : Beed.

.. Respondents.

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Mr. D.R. Jayabhar, Advocate, for the petitioners.

*Mr. V.H. Dighe, Asst. Government Pleader, for
respondent nos.1 to 3.*

*Mr. Sudhir G. Bhalerao, Advocate, for respondent
nos.4 and 5.*

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

DATE : 24TH FEBRUARY 2016

COURT'S ORDER (Per S.V. Gangapurwala, J.) :

1. Mr. Jayabhar, the learned Counsel for the petitioners, submits that the award has been passed on 8-12-2012. However, lands of the petitioners have submerged. The names of the petitioners are not there in the award. According to the learned Counsel, the respondents be directed to initiate acquisition proceedings in respect of the lands submerged subsequently.

2. Mr. Dighe, the learned Asst. Government Pleader for respondent nos.1 to 3, and Mr. Bhalerao, the learned Counsel for respondent nos.4 and 5, submit that whatever lands were under acquisition, the award has been passed. The lands of petitioner nos.1, 2 and 4 are not affected by way of acquisition. The land of petitioner no.3 has been acquired and award has been passed to the extent of the land acquired. The amount of compensation has also been paid to petitioner no.3.

3. Grievance of the petitioners is that, after award has been passed, their land has submerged. Along with the affidavit filed by the petitioners today, a letter issued by the Deputy Collector (Acquisition), Beed, to the Deputy Superintendent of Land Record, Patoda, shows that the re-measurement of Survey Nos. 576, 581 and 530 has been directed. However, report of the same is not yet received.

4. Considering the aforesaid aspect that the Deputy Collector (Land Acquisition) has already moved for re-measurement of Survey Nos.576, 581 and 530, at present, no orders are required to be passed.

5. The office of the Deputy Superintendent of Land Records, Patoda, shall proceed with the re-measurement as sought by the Deputy Collector (Land Acquisition), Beed, expeditiously and preferably same shall be done within three months from today. Parties may take further steps on receipt of report of re-measurement.

6. With the above directions and observations, the Writ Petition is disposed of. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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