

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1217 OF 2016

Shailesh Krushnarao Deshmukh and others

-VS-

State of Maharashtra, thr. Collector, Amravati and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. V.N.Patre, counsel for the petitioners.
Mrs.Kalyani Deshpande, AGP for the respondent Nos.1, 3 & 4.
Mr. S.G.Jagtap, counsel for the respondent No.2.

CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 27.06.2016.

By this writ petition, the petitioners seek a direction against the State of Maharashtra to pay compensation to the petitioners for the acquired land as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

It is the case of the petitioners that the land of the petitioners is acquired in 2013 for the construction of the road, without following the procedure under the Land Acquisition Act, 1894 and without paying compensation to the petitioners. It is stated that since the proceedings are not initiated for the acquisition of the land of the petitioner and the land is acquired without following due process of law, it would be necessary to direct the respondents to pay compensation to the petitioners for the acquired land as per the Act of 2013.

Mrs. Kalyani Deshpande, the learned Assistant Government Pleader appearing for the respondents, by referring to the affidavit-in-reply, filed on behalf of the respondents, fairly states that the possession of the land of the petitioners was secured by the respondents for the construction of the road, without following the procedure under the Land Acquisition Act, 1894. It is admitted that no

compensation, whatsoever is paid to the petitioners. It is stated that proceedings under the Act of 2013 would be initiated for payment of compensation to the petitioners.

In view of the statements made on behalf of the respondents, the grievance of the petitioners would not survive. Hence, by accepting the statements made on behalf of the respondents that would be binding on the respondents, we dispose of the writ petition with no order as to costs. The proceedings should be initiated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as early as possible and culminated as per the time framed under the Act.

Order accordingly.

JUDGE

JUDGE