

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

WRIT PETITION NO. 371/2015.

Kazi Akiloddin Sujauddin and another.

-VERSUS-

The State of Maharashtra and others.

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

Court's or Judge's Orders

**CORAM : B.P. DHARMADHIKARI
& P.N. DESHMUKH, JJ.**

DATE : MARCH 14, 2016.

Heard Shri J.J. Chandurkar, learned
Counsel for the petitioners, learned A.G.P. for
respondent nos. 1 and 2 and Shri G.E. Moharir,
learned Counsel for respondent no.3.

2. Effort of Shri Chandurkar, learned counsel
is to demonstrate that though a very small portion of
land of petitioners is being acquired under Right to
Fair Compensation and Transparency in Land
Acquisition, Rehabilitation and Resettlement Act,
2013, infact the entire land of petitioners has been
submerged in the dam water. He therefore, submits

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that entire land needs to be acquired.

3. We find that the petition has been amended recently to bring on record certain facts.

4. Prayer in the petition is to direct respondents to acquire area ad-measuring 2.73 Hectors of petitioner no.1 and area ad-measuring 2.02 Hectors belonging to petitioner no.2.

5. Learned counsel appearing for the respondents are seeking time to file appropriate reply affidavit.

6. The petitioners have approached this Court without making any representation. According to the learned counsel for the petitioners, when entire land got sub-merged and it was noted that in so far as adjacent landowners are concerned, their entire land with them is being acquired, petition has been filed.

7. Shri Moharir, learned counsel submits that in affidavit already placed on record, the fact of submergence of additional land has been disputed.

8. We do not wish to go into any disputed issue at this juncture. The position on spot can be verified by the respondent no.2 Land Acquisition Officer in presence of petitioners as also representative

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of respondent no.3.

9. We therefore, direct the petitioners to make appropriate representation pointing out their grievance to respondent no.2 within a period of four weeks from today. Copy thereof shall be given to respondent no.3. Respondent no.2 shall thereafter arrange to visit the spot in presence of petitioners as also representative of respondent no.3 and take suitable decision on the representation of the petitioner within next eight weeks.

10. With these directions and leaving rival contentions open, we dispose of the present petition.

No costs.

11. Certified copy expedited.

JUDGE

JUDGE

Rgd.