

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

WRIT PETITION NO. 2661 OF 2016

VITTHAL SAKHARAM RATHOD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS.

WITH
WRIT PETITION NO.2637 OF 2016.
DHARMA LAXMAN RATHOD AND ANOTHER.
-VERSUS-
THE STATE OF MAHARASHTRA AND OTHERS.

...
Advocate for Petitioners : Shri N.S.Shah h/f Shri Deshmukh Rahul R and
Shri G.D.Patil.

AGP for Respondents/ State : Shri S.B.Yawalkar.
Advocate for Respondents 2 to 4 : Shri H.PKshirsagar.

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**CORAM: S.C. DHARMADHIKARI
AND
MANGESH S. PATIL, JJ.**

DATE :- 06th June, 2017

PC.:

1 In both these matters, the grievance of the Petitioners is that for construction of the percolation tank, their lands have been acquired. The acquisition is without paying any compensation in accordance with law.

2 Now the deponent of the affidavit filed in answer to these petitions and particularly working as Sub Divisional Officer, has deposed

on oath that true it is that the lands were taken over by private negotiations and the award is not passed nor any compensation is determined in accordance with law. A solemn statement is made in the affidavits that the proceedings under the new Act, namely, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, would be completed within a period of 18 months from the date of filing of such affidavits in this Court.

3 The affidavits have been on record from 02.08.2016. The statements therein are, therefore, accepted as undertakings given to this Court. Once these statements made on oath are accepted as undertakings to this Court, then, all consequences of breach and violation of the same in terms of the Contempt of Courts Act, 1971 will invite the proceedings against the Deponents of these affidavits. Additionally, the 2013 Act would also operate with full force.

4 At this stage, the request is made to release the sums deposited in this Court. The amount brought by Demand Drafts in this Court is deposited/ invested. It is safe and neither the Petitioners nor anybody depending on them apprehend that the monies are not in safe hands. In the event, the Petitioners establish during the course of the proceedings before the competent authority that the lands indeed belong to them, extent of the same under cultivation, other dues payable, etc., the compensation would be determined by taking into consideration all such

aspects. We do not think that adhoc amount determined by this Court ought to be released to the Petitioners and in the absence of any inquiry as contemplated under the law.

5 Hence, we direct that when the awards are made by the competent authority under the 2013 Act, appropriate adjustments would be made and the Petitioners then be entitled to claim the sums deposited in this Court, against the amounts under the awards and payable to the Petitioners. We keep open all such aspects for consideration of the competent authority.

6 The Writ Petitions are, accordingly, disposed of.

(MANGESH S. PATIL, J.)

(S.C. DHARMADHIKARI, J.)