

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

Writ Petition No.3391 of 2016

- 1) Radhesham s/o Ramchandra Gadekar,
Age 60 years,
Occupation: Agriculture.
- 2) Sarjerao s/o Ramchandra Gadekar,
Age 62 years,
Occupation: Agriculture.

Both R/o Shirur (Kasar),
Taluka Shirur (Kasar),
District Beed.

.. **Petitioners.**

Versus

- 1) The State of Maharashtra,
Through its Secretary,
The Planning (EGS Department)
Mantralaya, Mumbai - 32.
- 2) The District Collector,
(Special Land Acquisition
Officer, Beed)
Taluka & District Beed.
- 3) The Chief Executive Engineer,
Department of Minor Irrigation,
Zilla Parishad Beed,
Taluka & District Beed.
- 4) The Deputy Executive Engineer,
Department of Minor Irrigation
Zilla Parishad, Sub Division,
Patoda, District Beed.

.. **Respondents.**

Shri. Manoj U. Shelke, Advocate, for petitioners.

Shri. A.R. Borulkar, Assistant Government Pleader
for respondent Nos.1 and 2.

Shri. A.A. Nimbalkar, Advocate, for respondent
Nos.3 and 4.

**Coram: T.V. NALAWADE &
SANGITRAO S. PATIL, JJ.**

Date: 9 February 2017

ORAL JUDGMENT (Per T.V. Nalawade, J.):

Rule, rule made returnable forthwith.
Heard both the sides by consent for final
disposal.

2) The petition is filed for giving
directions to the respondents to start
acquisition proceedings in respect of land Gat
No.36 of village Shirur (Kasar) admeasruring 61 R
as this land is taken in possession by the
respondents for construction of percolation tank
No.5 at Shirur (Kasar). It is contended that the
construction of the tank was started in the month
of May 2015 and it was completed in the month of

June 2015 and the land is accordingly used for storage of water of the percolation tank but price of the land is not paid and no acquisition proceeding is started. It is the contention that even when many representations were made, no response is given to the representations by the respondents and so direction needs to be given.

3) Affidavit-in-reply is filed by the respondent Nos.3 and 4. It is contended that the matter is between the State Government and the petitioners. Sufficient record is produced to show that the land was taken in possession for the aforesaid project. It is surprising that the Government has not started acquisition proceeding nor even attempted to negotiate and purchase the land from the petitioners.

4) In view of these circumstances, this Court holds that the petition needs to be allowed. The respondents are hereby directed to start acquisition proceeding in respect of the

aforesaid land of the petitioners and to pay them the compensation as per their entitlement within six months from the date of receipt of the order. Rule is made absolute in those terms.

Sd/-
(SANGITRAO S. PATIL, J.)

Sd/-
(T.V. NALAWADE, J.)

rs1