

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

WRIT PETITION NO. 3835 OF 2016

UMARAO BHAURAO PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Prakashsing B. Patil, Advocate for the petitioner
Mr.P.S.Patil, AGP for the respondent/State
Mrs.Chaitali Kutti, Advocate for respondent Nos. 3 to 5

**CORAM : S.V. GANGAPURWALA&
S.M. GAVHANE, JJ.
DATED : 04.10.2017**

P.C. :-

. Mr.Prakashsing Patil, learned counsel for the petitioner states that respondents are acquiring only 90-R land of the petitioner from Gut No.188 situated at Vichkhowda, Tq. Chopda, Dist. Jalgaon. The petitioner owns 2-Hector 41-R land and in fact entire land would be under submergence, even a report and recommendation is made by the Sub-Divisional Engineer. As such the entire land is required to be acquired by the respondent.

2. Mrs. Kutti, learned counsel for the respondent submits that as yet not even preliminary notification is issued. Learned Advocate relies on the affidavit in reply filed by respondent Nos. 3 to 5.

3. As yet not even a preliminary notification under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 has been issued by the respondent. The petitioner would get a right to challenge the acquisition after the steps are taken for acquisition under the Act of 2013. It would be premature to consider the claim of the petitioner.

4. In the light of the above at this stage no relief can be granted to the petitioner. In case subsequently steps are taken for acquisition by issuing notification/declaration. The petitioner can take recourse to the remedy available under law. In that event all contentions of respective parties are kept open. The writ petition accordingly stands disposed of. No costs.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]