

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3611 OF 2016

Ramdas Prabhu Kevat and another

Petitioners

Versus

The State of Maharashtra and others

Respondents

Mr.A.M. Hajare advocate for the petitioners

Mr.A.R. Kale, AGP for Respondent No.1 to 3

Mr. S.G. Bhalerao advocate for respondent No.4

CORAM : R.M. BORDE &

K.L. WADANE, JJ

(Date : 30th March, 2017.)

PER COURT :-

1 The landed property belonging to the petitioners had been acquired for public purposes long back. Although the Land Acquisition Officer- respondent No.3 has declared Award, the amount determined under the Award has not been paid to the petitioners and only part payment is stated to have been made.

2 It is not controverted that, until the date of enforcement of the Act of 2013, the amount of compensation determined under the Award has not been paid to the petitioners. As such the Award shall be deemed to have lapsed in view of section 24 of the Right to Fair Compensation & Transparency In Land Acquisition, Rehabilitation & Resettlement Act, 2013 and the fresh proceedings shall have to be

initiated for determination of the amount of compensation of the acquired land. The petitioners state that, the possession of the property has already been taken by the acquiring body long back.

3 The counsel appearing for the acquiring body, on instructions, states that, a fresh proposal in accordance with provisions of Act of 2013 would be submitted within a period of five weeks from today. The statement is accepted.

4 On receipt of the proposal, respondent Nos.2 and 3 shall determine the amount of compensation in accordance with Act of 2013 and declare the Award as expeditiously as possible and preferably within 8 months from the date of receipt of the proposal. On declaration of Award, respondents Nos.1 to 4 shall ensure payment of compensation to the petitioners in accordance with determination made under the Award and the payment of amount of compensation shall be made simultaneously while declaring the Award. The amount already paid to the petitioners shall be taken into consideration while making payment under the Award that would be declared in accordance with Act of 2013.

5 With the directions as above, writ petition is disposed of.

(K.L. WADANE, J.)

(R. M. BORDE, J.)