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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.8270/2017

Vishwasrao Devrao Janjal
and others.

...Petitioners..

Versus

The State of Maharashtra & others.

...Respondents...

.....

Shri N.V. Gaware, Advocate h/f Shri R.S. Kasar, Advocate
for petitioners.

Shri C.V. Dharurkar, AGP for respondent nos.1 to 4.

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**CORAM: DR.MANJULA CHELLUR, CJ. &
R.M. BORDE, J.**

DATE: 30.06.2017

ORDER :

1] Heard learned counsel for the parties.

2] The lands of the petitioners seem to have been notified for acquisition for the purpose of Storage Water Tank way back in the year 2012. Apparently, notification u/s 4 declaring the intention to acquire the lands in terms of the Land Acquisition Act, 1894, came to be issued on 19.10.2012 followed by final notification u/s 6

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prior to 31.12.2013. However, no award came to be passed till the Land Acquisition Act, 1894, was in force. Till date, no award is passed even after coming into force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. In the light of above development of the statute, so far as the acquisition of lands, which occurred in 2012, will not be lapsed, but compensation has to be paid in accordance with the procedure contemplated in the Act of 2013 in terms of Section 24(1)(a) thereof.

3] Learned AGP submits that there is possibility of the lands in question being excess lands and they may not be required for the purpose of Storage Water Tank.

4] It is needless to say that on account of construction of Storage Water Tank, even if lands are not required for the actual purpose of Storage Tank, even for other reason, the authorities have to pay compensation. In case, th lands are returned to the petitioners and if they are capable of being made use as they used to be prior to 2012, the respondent – authorities must pay rent amount or lease amount on these lands since possession of the lands was taken way back in 2012 or subsequently.

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5] In the light of above observations, the respondent - authorities must act within three months from today. Accordingly, the writ petition is disposed of. No costs.

(R.M. BORDE, J.)

CHIEF JUSTICE