

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2049 OF 2016

Prayagbai Uttam Tidke and others .. **Petitioners**

Versus

The State of Maharashtra and others .. **Respondents**

Shri Ramdas b. Singare, Advocate for the Petitioners.

Mrs. A. V. Gondhalekar, Addl. G. P. for the Respondent Nos. 1 and 2.

Shri Sunil M. Vibhute , Advocate for Respondent Nos. 3 and 4.

WITH

WRIT PETITION NO. 2081 OF 2016

Pandurang Sampat Falke .. **Petitioner**

Versus

The State of Maharashtra and others .. **Respondents**

Shri Ramdas B. Singare, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl. G. P. for the Respondent Nos. 1 and 2.

Shri Sunil M. Vibhute , Advocate for Respondent Nos. 3 and 4.

WITH

WRIT PETITION NO. 3675 OF 2016

with

CIVIL APPLICATION NO. 4742 OF 2017

Chatarsing Devchand Bahure and others .. **Petitioners**

Versus

The State of Maharashtra and others .. **Respondents**

Shri Ramdas B. Singare, Advocate for the Petitioners.

Mrs. A. V. Gondhalekar, Addl. G. P. for the Respondent Nos. 1 and 2.

Shri Rajendra V. Dasalkar , Advocate for Respondent Nos. 3 and 4.

WITH
WRIT PETITION NO. 3728 OF 2016
with
CIVIL APPLICATION NO. 4760 OF 2017

Pandu Tukaram Dabhade

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Ramdas B. Singare, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl. G. P. for the Respondent Nos. 1 and 2.

Shri Rajendra V. Dasalkar , Advocate for Respondent Nos. 3 and 4.

WITH
WRIT PETITION NO. 3730 OF 2016
with
CIVIL APPLICATION NO. 4763 OF 2017

Shamsing Shivsing Jarwal and another

.. **Petitioners**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Ramdas B. Singare, Advocate for the Petitioners.

Mrs. A. V. Gondhalekar, Addl. G. P. for the Respondent Nos. 1 and 2.

Shri Rajendra V. Dasalkar , Advocate for Respondent Nos. 3 and 4.

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

DATE : **5th October, 2017**

PER COURT :

1. All these petitions depict the pitiable state of affairs on the part of the respondents, however, sufferers are the citizens.
2. It is undisputed rather admitted that land of all these petitioners have been acquired in the year-2007 for construction of percolation tank. The percolation tank work had commenced and is completed. The percolation tanks are already constructed, as yet no steps are taken for acquisition.
3. In fact the respondents ought not to have acquired the land if according to them the funds were unavailable.
4. Though right to property is not a fundamental right, nonetheless the same is still a constitutional right. Now a day's right to property is brought within the contour of human right.
5. The petitioners herein are deprived of their property without even initiating acquisition proceedings. The affidavit filed on record unequivocally establish that the petitioners are deprived of their property without following due process of law.
6. The Zilla Parishad has taken a stand that the funds are to be provided by the Government whereas Government has taken a stand that the compensation amount is to be paid by the Zilla Parishad. However, it is the citizen who is deprived of the compensation amount.

7. Considering the fact that there is total apathy on the part of the respondents in initiating acquisition proceedings and paying legitimate compensation amount to these petitioners, we pass the following order:

ORDER

I] The Zilla Parishad shall forward the proposals for acquisition of land of the petitioners taken in possession under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within a period of 3 months from today.

II] On receipt of the said proposal the acquisition proceedings shall be commenced immediately within 1 month and shall be completed within a period as stipulated in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

III] The time frame as detailed above shall be followed scrupulously by the respondents.

IV] Some token amount is deposited in the present petitions as per the order of this court by the respondents. The petitioners are entitled to withdraw the same. The said amount shall be adjusted in total amount of compensation payable as per the award.

8. With aforesaid directions, the writ petitions stand disposed of. No costs.

9. In view of disposal of writ petitions, civil applications also stand disposed of.

[S. M. GAVHANE, J.] [S. V. GANGAPURWALA, J.]

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