

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6154 OF 2016

Anandi Atmanand Saraswati @
Shrirangnath Maharaj Vishranti Math,
Through its Chairman

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Ms. P. S. Talekar h/f Talekar and Associates.
Shri K. D. Mundhe, A.G.P. for Respondent Nos. 1 to 3.
Respondent No. 4 served.

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

DATE : **16th November, 2017**

PER COURT :

1. Ms. Talekar, the learned advocate for the petitioner states that the land of the petitioner was taken in possession in the year - 2008 for the purpose of minor irrigation project at Navha. The petitioner is the Society. Though the land is taken in possession in the year - 2008 the respondents have not initiated any acquisition proceedings nor have paid any compensation amount to the petitioners. In fact, the acquiring body has to deposit 80% of the amount of proposed compensation before the action is taken by the acquiring body. Even after lapse of nine

months no steps are taken by the respondents to pay the compensation.

2. The learned A.G.P. states that respondent No. 4 has already forwarded the proposal to respondent Nos. 2 and 3 as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and it is for respondent Nos. 2 and 3 to take further steps.

3. The reply filed by the State does not lead us anywhere. The respondent No. 4 is an arm of the Government. The respondents were duty bound to acquire the property only in accordance with the procedure established by law. The respondents have not followed the procedure laid down regarding acquisition of land under urgency clause.

4. Though right to property is not a fundamental right it still remains a constitutional right. Now a days right to property is brought within the contour of human right. Total apathy is exhibited by the respondents in case of initiation of acquisition proceedings and or payment of compensation amount. No person can be deprived of his property except in accordance with due procedure established by law.

5. The respondents shall initiate the acquisition proceedings under the Right to Fair Compensation and Transparency in

Land Acquisition, Rehabilitation and Resettlement Act, 2013 within a period of 3 months from today and shall complete the same within the period stipulated under the Act of 2013.

6. The respondents shall strictly adhere to the stipulations and the time frame as directed under this order. The petitioner certainly is entitled to agitate its right for payment of rental compensation before the authority concerned.

7. The writ petition is disposed of. No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

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