

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5990 OF 2016

1. Aba s/o Govind Bhange,
Age : 83 years, Occu. Agri.,
R/o Sarani, Tq. Kaij, Dist. Beed
2. Dattu s/o Wamanrao Bhange,
Age : 63 years, occu. Agri.,
R/o Sarani, Tq. Kaij, Dist. Beed
3. Tatyasaheb s/o Ramrao Bhange,
Age : 46 years, Occu. Agri.,
R/o Sarani, Tq. Kaij, Dist. Beed
4. Mahadev s/o Narsing Bhange,
Age : 74 years, Occu. Agri.,
R/o Sarani, Tq. Kaij, Dist. Beed

PETITIONERS
(Ori. Claimants)

VERSUS

1. The State of Maharashtra,
through its Secretary,
Revenue Department, Mantralaya,
Mumbai
2. The Collector,
Collectorate Building, Beed
3. Spl. Land Acquisition Officer
No. 1, Collectorate Building,
Beed
4. The Executive Engineer,
Irrigation Division,
Division Beed, Dist. Beed

RESPONDENTS

Mr. Shrikant Kulkarni, Advocate for the Petitioners
Mr. A.R. Kale, A.G.P. for respondent Nos. 1 to 3

**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.**

DATE : 13th FEBRUARY, 2017

ORAL JUDGMENT (PER : T.V. NALAWADE, J.) :

Rule, returnable forthwith. With the consent of the learned counsel for the petitioners and the learned A.G.P., heard finally.

2. The petition is filed, seeking directions to the respondents to deposit the amount of compensation, awarded in four Land Acquisition References (for short, "L.A.Rs.") by the Reference Court, vide judgment and award dated 6th January, 2009 passed in L.A.R. Nos. 210/2003, 51/2004, 219/2003 and 206/2003.

3. The learned counsel for the petitioners submits that the above referred L.A.Rs were decided long back in the year 2009 and the execution proceedings are also filed. However, under one or the other pretext, the concerned Department of the Government is not releasing the amount of compensation and it is informed to the Executing Court by the Acquiring Body – respondent No. 4 that the Government has not released the amount by

taking some objection.

4. The submissions advanced on behalf of the petitioners would show that the lands were acquired long back, in the year 1991; however, till today, nothing has been paid to the petitioners by way of compensation.

5. We have noticed that in some matters, which were decided subsequent to the present proceeding, the amount has been released. Thus, it can be said that there is possibility that the approach of the officers of the Acquiring Body and the concerned Department of the Government is not fair and as the petitioners are not able to do anything, the amount is not being released by the concerned Department of the Government.

6. Notice of this matter was served on respondent No. 4 – the Acquiring Body; however, nobody has appeared for respondent No. 4.

7. Today, learned counsel Mr. Sudhir G. Bhalerao, who is on the panel of respondent No. 4, is present in the Court. When this Court advised him to appear in the matter for respondent No. 4 as we wanted that no order is passed behind the back of the Acquiring Body –

respondent No. 4, Mr. Bhalerao submitted that he can appear in the matter only after allotment of the same to him. It appears that the officers of respondent No. 4 look at the counsel with suspicion if they directly appear in the matter on behalf of the Acquiring Body.

8. All these circumstances show nothing but the attitude of the officers of respondent No. 4 – the Acquiring Body and also, to some extent, that of the State Government towards the poor litigants, who cannot approach those sitting in the Government Department. Due to such circumstances, we are of the opinion that some action needs to be taken against such officers and only if such action is taken, the things will move fast.

9. We grant six months' time to the respondents to see that the amount of compensation payable to the petitioners is deposited in the Executing Court and the amount, if any of the similar claimants from the same group is also deposited to see that there is no partiality in favour of any such claimant. If this order is not complied with within six months from the date of this order, liberty is granted to the petitioners/ claimants to approach this court in contempt proceeding and in such

circumstances, the appropriate orders will be passed.
Rule is made absolute in those terms. The Writ Petition
is disposed of. No costs.

[SANGITRAO S. PATIL]
JUDGE

[T.V. NALAWADE]
JUDGE

npj/wp5990-2016