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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9087 OF 2016

**SANJAY KAILAS AGRAWAL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**...
Advocate for Petitioners : Bagul D.S.
AGP for Respondents: Mr.S.W.Mundhe**

**...
CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL,JJ.**

DATE : 15/09/2017

PER COURT :-

The grievance of the petitioner is that the State Government has acquired land for construction of diversion of road. Award was passed in the year 1986, however, some lands according to the petitioner were not shown in the award. The petitioner objected for taking over the possession. The respondent no.2 appointed Special Land Acquisition Officer u/s 52 of the Land Acquisition Act, 1894 under order dated 29/9/2003. Thereafter, joint measurement was completed. Orders were passed by Special Land Acquisition Officer, directing the respondent no.3 to deposit amount of Rs.64,16,616/-. According to the learned counsel for the petitioner, no further steps have been taken thereafter, though petitioner has approached time and again. According to the learned counsel for the petitioner, the petitioner is concerned with land bearing survey no.286/5/A/1 to the extent of 1 Hectre 55 Aar and 271/A to the extent of 4000 Sq.Mtrs situated at Nandurbar. The learned counsel submits that the respondent be directed to initiate and complete the acquisition

proceedings at the earliest. Road is already constructed on the said land.

2] We have also heard learned AGP. Affidavit in reply is filed by respondents 2 and 4 to the effect that proposal is already received from respondent no.3 for initiating acquisition proceedings in respect of land Survey No.286 to the extent of 1 Hectare 55 Aar however, no proposal is received of land Survey No.271 from respondent no.3.

3] Considering the affidavit filed by respondents, we pass the following order :

I] The respondent shall initiate the land acquisition proceedings as per Act of 2013 in respect of land Survey No.286 expeditiously preferably within four months and complete it in accordance with the statute.

II] As far as Survey No.271 is concerned, respondent no.3 shall measure the land and upon measurement, if it is found that the said land is also affected, shall take steps for acquisition.

4] Writ Petition is accordingly disposed of. No costs

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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