

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

Writ Petition No. 13324 of 2017

District : Aurangabad

Mehrajbee w/o. Shaikh Jamil,
Age : Major,
Occupation : Agriculture,
R/o. Bidkin, Taluka Paithan,
District Aurangabad.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Secretary,
Industrial Development
Department,
Mantralaya, Mumbai.
2. The District Collector,
Aurangabad,
District Aurangabad.
3. The Sub-Divisional Officer/
Land Acquisition Officer,
Paithan and Phulambri,
Taluka & Dist. Aurangabad.
4. MIDC, Aurangabad,
Through its Regional Officer,
MIDC Office,
Railways MIDC area,
Aurangabad,
Taluka & District Aurangabad. .. Respondents.

With

Writ Petition No. 13325 of 2017

District : Aurangabad

1. Siraj s/o. Allabaksh Qureshi,
Age : Major,

Occupation : Agriculture,
R/o. Bidkin, Taluka Paithan,
District Aurangabad.

2. Mehamuda Allabaksh Qureshi,
Age : Major,
Occupation : Agriculture,
R/o. Bidkin, Taluka Paithan,
District Aurangabad.

3. Ashpak Allabaksh Qureshi,
Age : Major,
Occupation : Agriculture,
R/o. Bidkin, Taluka Paithan,
District Aurangabad.

4. Mushtak Allabaksh Qureshi,
Age : Major,
Occupation : Agriculture,
R/o. Bidkin, Taluka Paithan,
District Aurangabad.

.. Petitioners.

versus

1. The State of Maharashtra,
Through its Secretary,
Industrial Development
Department,
Mantralaya, Mumbai.

2. The District Collector,
Aurangabad,
District Aurangabad.

3. The Sub-Divisional Officer/
Land Acquisition Officer,
Paithan and Phulambri,
Taluka & Dist. Aurangabad.

4. MIDC, Aurangabad,
Through its Regional Officer,
MIDC Office,
Railways MIDC area,
Aurangabad,
Taluka & District Aurangabad.

.. Respondents.

With

Writ Petition No. 13327 of 2017

District : Aurangabad

Abdul Jaleel Siddiqui
s/o. Rafiuddin,
Age : Major,
Occupation : Agriculture,
R/o. Bidkin, Taluka Paithan,
District Aurangabad.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Secretary,
Industrial Development
Department,
Mantralaya, Mumbai.
2. The District Collector,
Aurangabad,
District Aurangabad.
3. The Sub-Divisional Officer/
Land Acquisition Officer,
Paithan and Phulambri,
Taluka & Dist. Aurangabad.
4. MIDC, Aurangabad,
Through its Regional Officer,
MIDC Office,
Railways MIDC area,
Aurangabad,
Taluka & District Aurangabad. .. Respondents.

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Mr. Dhananjay K. Thote, Advocate, for petitioners.

*Mr. S.P. Sonpawale, Asst. Government Pleader, for
respondent nos.01 to 03.*

Mr. S.S. Dande, Advocate, for respondent no.04.

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**CORAM : R.M. BORDE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 24TH NOVEMBER 2017

ORAL ORDER :

01. Heard Mr. D.K. Thote, learned Counsel appearing for petitioners; Mr. S.P. Sonpawale, learned Asst. Government Pleader appearing for respondent nos.01 to 03 and Mr. S.S. Dande, learned Counsel appearing for respondent no.04.

02. There is no reason to cause interference in exercise of extraordinary jurisdiction of this court under Article 226 of the Constitution of India. Learned Counsel appearing for petitioners, however, urges that a direction be issued to the respondent - State to determine the amount of compensation in respect of the lands under acquisition, in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [For short, "Act of 2013"].

03. Though Section 33(5) of the Maharashtra Industrial Development Act, 1961, makes a reference to the Land Acquisition Act, 1894, in view of the provisions of the Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement (Maharashtra) Rules, 2014, more specifically, rule 19(2), it would be obligatory on

the part of the respondent - State to determine the amount of compensation in accordance with the Act of 2013. It is provided in sub-rule 2 of rule 19, that *any proceeding where a notification is published under Chapter VI of the Maharashtra Industrial Development Act, 1961 (III of 1962) before 31st December 2013 and before that date an award for land acquisition has not been made under section 32 of the Land Acquisition Act, 1894, then the proceeding shall be continued as per the formula provided in sections 26 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.*

04. Admittedly, in the instant matter, the amount of compensation has not been determined nor award has been declared and as such, in view of the rule as referred to above, it would be obligatory on the part of the respondent - State to determine the amount of compensation in accordance with the Act of 2013.

05. In view of the above, the writ petitions stand disposed of.

(Smt. Vibha Kankanwadi)
JUDGE

(R.M. Borde)
JUDGE

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