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

WRIT PETITION NO. 5351 OF 2016

**SAHEBRAO BHAGWAN ANDHALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
**Advocate for Petitioners : Kale Ajeet B.
AGP for Respondents: D.R. Kale for R. 1 to 3.**
...

**CORAM : S.C.DHARMADHIKARI &
MANGESH S. PATIL,JJ.**

DATE : 19/06/2017

PER COURT :-

1] The petitioner who is an agriculturist and possessing lands in Beed District particularly described in the petition would submit that it was an irrigated land. He was cultivating it. He has produced the relevant record of its cultivation. However on 25/01/2010 the lands of the petitioners were notified for acquisition and the notification in that regard was duly published. Thereafter, the measurements were taken jointly. A declaration under section 6 of Land Acquisition Act followed after which the notice under section 9 was issued. After issuance of this notice the petitioner refers to certain meetings held at Mumbai in which the rate of compensation was fixed. The petitioner claims that his land was acquired but without paying him the agreed compensation. There is no award made and no amount is determined. The petitioner submits that a sale deed is executed on 21/03/2014 whereby the respondents are indicating that they have purchased the property from the petitioner.

2] Apart from the fact that the recitals in the sale deed speak for themselves, what the petitioner projects is that he was given an impression that his lands were acquired and that he would be paid compensation in accordance with law. Now by placing reliance on the sale deed he has been deprived of the rightful claim of compensation and in terms of the law. The petitioner relies on the payment made and in terms of the sale deed but complains that, that rate does not match as the 2014 rates which is the date on which the sale deed is executed.

3] We do not see any reason presently to discard this registered sale deed. However, we inquired from the learned AGP as to how the reference in this sale deed is to a Government communication dated 06/06/2006, a meeting held on 23/02/2012 at Aurangabad but as the petitioner projects, there is no reference to any notice which is issued under section 4 of the Land Acquisition Act, 1894 on 21/01/2010. He also has made reference to a joint measurement and a notice under section 9 issued on 28/02/2012.

4] In the teeth of all this how does the State relies upon the sale deed and to determine the compensation is the question posed for our consideration.

5] The above written documents are also on record.

6] In the above circumstances it is not for us to determine as to whether the petitioner is indeed entitled to enhanced compensation or otherwise. We are of the firm opinion that such grievances need not be brought before this court. The petitioner must therefore, be given an audience by the concerned persons who have proceeded

to allegedly deprive him of his land without adherence to law.

7] In the circumstances we direct the collector district Beed to treat the present petition as a representation of the petitioner or a written complaint and he shall obtain the requisite records from the respondent 3 to 6 and take a decision thereon as expeditiously as possible and within a period of 3 months from the date of receipt of copy of this order. Writ petition is disposed of in these terms.

8] We make it clear that our order and direction does not mean that the petitioner is entitled to enhanced compensation or otherwise. That issue has to be determined by the Collector and it is only to impress upon him that we referred to the pleadings in the Petition.

(MANGESH S. PATIL,J.)

(S.C.DHARMADHIKARI,J.)

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