

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

920 WRIT PETITION NO. 11814 OF 2016

SHAIKH KHALILODDIN SHAIKH SHARIFODDIN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. N.S. Shah
AGP for Respondents/State : Mr. S.B. Yawalkar
...

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**
DATE : 21.06.2017.

P.C. :-

. The petitioners state that they have lost the possession of their lands because a percolation tank has been constructed there on. Initially proceedings under the Land Acquisition Act, 1894 were initiated and advance possession of the lands of the petitioners was taken in order to make this construction. After making that construction nothing was done so as to conclude the proceedings under that law. After repeal of that law the proceedings lapsed.

2. The petitioners say that having lost possession of the lands at least they should be compensated and in accordance with law. Whatever may be the nature of the request made by the petitioners, one thing is

apparent and that is the lands are in the possession of the State, it has not disputed this position. It is stated in the affidavit that though the petitioners claim that their land should be acquired under the Act 30 of 2013, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the record indicates that the lands of the petitioners were indeed subject matter of proceedings under the Land Acquisition Act, 1894. The details of notification, the joint measurements etc. are all set out at page 26 of the affidavit in reply, however, it is conceded that these proceedings could not be finalised. In para no. 5 of this affidavit at running page 27, it is stated that by the deponent as under:

“The another off-shoot which is essential to be mentioned here is that, earlier the proceeding was initiated under Land Acquisition Act, 1894 (Revised Act 1984) and as already stated above the Proceeding was under process and was in progress. But due to implementation of new Act i.e. The Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which was come in to force on 01.04.2014, the earlier proceeding was stopped and instructions to the Executive Engineer, Minor Irrigation (Z.P.), Sub-Division, Jalna has been issued so as to start de-novo proceeding as per the new Act. Thus the reasons narrated above may kindly be considered in the eye of law.

6) *With reference to para No.9 of the petition, it is most humbly*

stated here that, an appropriate further action as per the new Land Acquisiton Act is being taken in the instant case on priority basis. The matter will be decided within a short-spell by following due process of law as per new Act and without any further delay.”

3. We accept the above re-produced statements as undertakings given to this Court. It is assured by the learned A.G.P. that the proceedings under the new Act would be concluded shortly. The writ petition is therefore disposed of in the light of the above undertakings. The original record be returned to the respondents.

[MANGESH S. PATIL, J.]

[S.C. DHARMADHIKARI, J.]