

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

WRIT PETITION NO. 11412 OF 2016

1. Vitthal s/o. Kisan Sonawane,
Age 69 years, Occu. Agri.,
2. Ekanath s/o. Pandurang Sonawane,
Age 50 years, Occu. Agri.,
3. Namdeo s/o. Kisan Sonawane,
Age 52 years, Occu. Agri.,
4. Revnath s/o. Babasaheb Sonawane,
Age 45 years, Occu. Agri.,
5. Rajaram s/o. Kharbhari Sonawane,
Age 75 years, Occu. Agri.,
6. Laxman s/o. Gajaba Landge,
Age 76 years, Occu. Agri.,
7. Ushabai Raosaheb Sonawane,
Age 39 years, Occu. Agri.,
8. Baburao s/o. Kisan Sonawane,
Age 55 years, Occu. Agri.,

All R/o. Bhadali, Tq. Vaijapur,
Dist. Aurangabad.

....Petitioners.

Versus

1. The State of Maharashtra
Through the Secretary for
Irrigation Department,
Mantralaya, Mumbai.
2. The District Collector,
Aurangabad.
3. The Deputy Collector,

(Land Acquisition),
Jaikwadi Project, Aurangabad.

4. The Executive Engineer,
Minor Irrigation Department,
Aurangabad.

5. Taluka Inspector,
Land Record Office,
Vaijapur, Tq. Vaijapur,
Dist. Aurangabad.

....Respondents.

Mr. N.D. Sonawane, Advocate for petitioners.

Mr. A.S. Shinde, A.G.P. for respondent Nos. 1 to 3 &
5.

**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.**
DATED : March 3, 2017.

ORAL JUDGMENT :

Rule. Rule made returnable forthwith. By
consent, heard both the sides for final disposal.

2) The petition is filed for giving direction
to start acquisition proceeding as per the provisions
of the Right to Fair Compensation and Transparency in
Land Acquisition, Rehabilitation and Resettlement
Act, 2013 in respect of the land of the petitioners
and to pay even rental compensation to the
petitioners for the land used after taking over the

possession from the year 2002 till the completion of process of land acquisition.

3) The submissions made show that notification under section 4 (1) of the Act was published on 13.3.2007, but no further steps were taken. The learned counsel for the petitioners submitted that after completion of the dam, the land of the petitioners got submerged in the water, but no acquisition proceeding was started after the publication of section 4(1) notification.

4) The learned A.G.P. today brought to the notice of this Court that on 21.11.2016, the Sub Divisional Officer of Jaikwadi Project wrote to the Executive Engineer, Minor Irrigation Department, Aurangabad and gave direction to see that the acquisition proceeding is started as per the aforesaid new law. It is specifically mentioned that the previous process has lapsed. Thus, respondents are not disputing that the proceeding needs to be started as per the provisions of new law. If there is

dispute with regard to the measurement, the land needs to be measured and it should be mentioned as against the names of the petitioners.

5) In the result, the petition is allowed. Direction is given to start proceeding as per the provisions of new law. The point of entitlement of getting rental compensation is kept open.

Rule is made absolute in aforesaid terms.

[SANGITRAO S. PATIL, J.] [T.V. NALAWADE, J.]

ssc/