

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

**BENCH AT AURANGABAD.**

**WRIT PETITION NO.12267 OF 2016**

Asarabai W/o Gopala Gite                      ... Petitioner.

Versus

The State of Maharashtra  
and others.                                              ... Respondents.

...  
Mr.N.K.Tungar, advocate for the petitioner.  
Mr.S.W.Munde, A.G.P. for the State.  
...

**CORAM : S.V.GANGAPURWALA AND  
S.M.GAVHANE, JJ.**

**Date : 09.10.2017.**

**PER COURT :**

1.                      Leave to amend.

2.                      Mr.Tungar, learned counsel for the petitioner states that the land of the petitioner has been taken in possession by the Respondents on 1.8.2001 for the purpose of construction of village tank. Section 4 notification was also

issued but subsequent steps for acquisition are not proceeded with. The learned counsel submits that the Respondents be directed to take up acquisition under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. Learned A.G.P. states that the Naib Tahsildar, has filed affidavit to the effect that land of the petitioner admeasuring 58 Ares from S.No.258 situated at village Pangulgavhan, Tq. Ashti, Dist.Beed, is acquired for the purpose of construction of tank No.2 Pangulgavhan. In the year 2012 the acquisition proceedings under old Act were initiated. Now in view of the new Act, the proceedings are to be initiated under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The Sub-Divisional Officer, Patoda, has informed the Executive Engineer, M.I.L.S. Beed for submitting the fresh proposal for acquisition as per Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The said

communication is made on 31.7.2015 and 13.7.2017.

4. In view of the fact that Sub-Divisional Officer has already communicated the Executive Engineer (Respondent No.4) to forward proposal for acquisition of the petitioner's land under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, we pass the following order :

a) The Respondent No.4 shall forward the proposal for acquisition of the petitioner's writ land admeasuring 58 Ares from S.No.258 of village Pangulgavhan, Tq.Ashti, Dist.Beed to the appropriate authority within a period of three (3) months from today. On receipt of said proposal, the appropriate authority shall initiate the acquisition proceedings within three (3) months and shall complete it within the time stipulated in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

b) The Writ Petition is disposed of. No costs.

**(S.M.GAVHANE, J.)**

**(S.V.GANGAPURWALA, J.)**

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