

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 929 OF 2015

Shri Suryakant Dnyanoba Saswade and others. ... Petitioners.

V/s.

The District Collector/Deputy Collector,
Rehabilitation (P), Pune and others.

... Respondents.

Vrishali Raje i/b. P.N.Joshi for the petitioners.

A.B.Vagyani, Govt.Pleader with A.P.Vanarase, AGP for the State.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND N.M. JAMDAR, J.**

DATE : 10th July 2017.

P.C. :

Apparently, the petitioners are the owners of Gat No.221 admeasuring 0.80 Ares situated at village-Shikrapur, taluka- Shirur, district- Pune. The land came to be acquired for Chaskaman Project. Apparently, advance possession of the said land was taken way back on 30th June 1990. Even the mutation entries were done accordingly vide Mutation Entry No.254.

2. For this Chaskaman Project at Khed, 34 Gats were given preference out of total acquired Gats numbering to 82. However, the Government did not come forward to take Gat No.221 like other lands. Apparently, out of 82 Gats only 34 Gats were taken for allotment of land to the project affected persons. Finally, an award came to be passed only in respect of 34 Gats. The fact remains that the land of the petitioners being Gat No.221 was also excluded from the award.

3. However, the consequence is that the petitioners are dispossessed from their lands from June 1990 but neither they got any alternate land nor any compensation. Over and above that, they lost the benefit of cultivating their land since the possession was already taken over in June 1990. Having taken possession in June 1990, the officers also totally ignored what should happen to the remaining Gats which were excluded, at least so far as Gat No.221. Till the petitioners came to the Court and raised their objections that neither they were paid compensation nor any alternate land was given to them nor their own land was given back to them, the respondent- authorities have not moved their little finger. Now it is stated that they have initiated acquisition proceedings in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ("Act of 2013" for short). Section 28 of the said Act refers to the option given to the Land

Acquisition Officer to take into consideration the exceptional circumstances in the interest of equity, justice and beneficial to the affected families while determining the compensation so as to enable him to enhance the quantum of compensation at the relevant point of time.

4. We have come across a Government Resolution dated 1st December 1972 wherein the Government came with a resolution that if the owner or the person interested in the land is dispossessed and the said land was not acquired by which the land owner was not able to make use of the said land, the rent as well as interest on the arrears of rent have to be paid to the owner or the person interested in the said land. In terms of the said GR dated 1st December 1972 we are of the opinion that same benefit could be extended provided the said GR is applicable.

5. On perusal of GR, it is noticed that same applies only to Irrigation and Power Department/Buildings and Communications Department Officers. But the fact remains that from the date of dispossession the petitioners are deprived of the benefit from the said land for no fault of them. In the light of above facts and circumstances, the Land Acquisition Officer concerned has to pay attention and consider such loss caused to the owner/ person interested in the said land in terms of section 28 of the Act of 2013.

6. We also direct the respondent- authorities to complete the land acquisition proceedings, if already initiated or to be initiated, within a period of six months from today in terms of the provisions of the Act of 2013.

7. With the aforesaid direction, petition is disposed of.

(N.M. JAMDAR, J.)

CHIEF JUSTICE