

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3230 OF 2018

Sagar Subhash Patil and others .. **Petitioners**

Versus

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

Mr. G. V. Wani h/f. Mr. N. J. Pahune Patil,
Advocate for the Petitioner.

Mr. V. S. Badakh, A.G.P. for Respondent Nos. 1
and 2.

Mr. Shrinivas M. Ganachari, Advocate for
Respondent No. 3.

CORAM: S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.

DATE: 17th DECEMBER, 2018

PER COURT :

1. According to the learned Advocate for the petitioner the land of the petitioners is taken in possession by the Acquiring Body, however, compensation is not paid nor acquisition proceedings have been initiated.

2. Mr. Ganachari, learned Advocate for respondent no. 3 - Acquiring Body, submits that

the land acquisition proceedings are not completed. As per the order passed in Writ Petition No. 5028 of 2008, the construction could not be started because the land acquisition proceedings are not initiated. The Acquiring Body has also deposited an amount of Rs. 39,48,000/- in the office of the Collector towards advance compensation. Even acquisition proposal has been submitted on 21.07.2007. The fresh acquisition proposal has already been submitted under the Right to Fair Compensation in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (*hereinafter referred to 'Act-2013'*) on 22.03.2016.

3. We have also heard the learned Assistant Government Pleader.

4. As there is no dispute that the land of the petitioners is under acquisition and the proposal is also submitted for commencing the acquisition proceedings by the Acquiring Body, the competent Authority shall commence the acquisition

proceedings within a period of three (3) months from today and complete the same within period stipulated under the Act-2013. In case, the competent authority notices some deficiencies in the proposal, the acquiring body shall remove the said deficiencies immediately.

5. The writ petition accordingly stands disposed of. No costs.

[R. G. AVACHAT, J.] [S. V. GANGAPURWALA, J.]

marathe