

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

WRIT PETITION NO. 5055 OF 2016

**SANTOSH SUNDARLAL AGRAWAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.U.R.Awate h/f. M/s. Talekar & Associates, Advocate for the petitioner.

Mr.S.P.Sonpawale, AGP for respondent/State.

Mr.K.K.Kulkarni, Advocate for respondent No.4.

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

DATED : 21.08.2018

P.C. :-

1. According to the petitioner the land of the petitioner is being used of crematorium without acquisition. Mr.Kulkarni, learned Advocate for the Municipal Council submits that the proposal is already moved with the Sub-Divisional Officer (Land Acquisition) on 31.08.2012 for acquisition of the land in question and an amount of Rs.70 lakhs is also deposited with the Sub-Divisional Officer on 08.09.2014.

2. Learned AGP submits that the Municipal Council is required to deposit Rs.1,20,70,000/- for initiation of the acquisition proceedings.

3. There is no dispute that the writ land of the petitioner is used for crematorium and acquisition proceeding has not yet commenced. The Municipal Council has also moved proposal for acquisition of the writ land and has deposited Rs.70 lakhs with the Sub-Divisional Officer (Land Acquisition).

4. Considering the above, we pass following order:-

i. The respondent-authorities shall initiate acquisition proceedings within three months from today and shall complete the acquisition proceedings within the time stipulated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. If any compliance is required to be made, the Municipal Council shall make the same within the said period.

ii. Insofar as issue of rental compensation is concerned, the petitioner may move the appropriate authority.

5. The writ petition is disposed of. No costs.

[S.M.GAVHANE, J.]

[S.V.GANGAPURWALA, J.]