

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

WRIT PETITION NO. 8163 OF 2016

**BABASAHEB MADHAVRAO KHILARI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. Sanket S. Kulkarni, Advocate for petitioners

Mr. S.K.Tambe, AGP for respondent nos.1 to 4

Mr. A.M.Gaikwad, Advocate for respondent no.5

**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATE : OCTOBER 30, 2018

PER COURT

Respondent no.5 has filed an affidavit and tendered his unconditional apology for not appearing before this Court despite service of summons. The affidavit shows negligence on the part of the Officers of respondent no.5. Respondent no.5 shall, henceforth, be diligent in attending the court cases. Considering the explanation given in the affidavit, we accept the unconditional apology tendered by respondent no.5 and recall the order issuing bailable warrant.

2. Mr.Kulkarni, learned Counsel for the petitioners, submits that the lands of the petitioners have been taken in possession by the respondents way back in the year 2004. However, no proceedings under the Land Acquisition Act has been initiated till date. He submits that even rental compensation has also not been paid to the petitioners.

3. An affidavit is filed by the Deputy Collector, Land Acquisition, stating that a revised proposal is required to be forwarded by the acquiring body. It is stated that his office has informed the Executive Engineer, Nandur-Madhmeshwar Project, Division Vaijapur, that they have returned back the earlier proposal in respect of various villages, as the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, has come into force. It is stated that a fresh proposal is sought from the acquiring body.

4. Respondent no.5 – acquiring body in its affidavit dated 29.10.2018, stated that a fresh proposal dated 13.07.2016 was sent to respondent no.2 under the new Act. Even steps have been taken to acquire the lands by private negotiations and undertaking has been given by the claimants to that effect. It is stated that the deficiencies that were pointed out, have been cleared by the office of respondent no.5 and the acquiring body is not at fault.

5. It appears that respondent nos.2 to 4 on one hand and respondent no.5 on the other, are passing buck on each other. The fact remains that though the lands of the petitioners have been taken in possession by the respondents in 2004, the acquisition proceedings has not seen light of the day. Fourteen years have passed, but the petitioners have not been paid the compensation. Now it is high-time the respondents take up the acquisition proceedings.

6. We, therefore, direct respondent nos.2 to 5 to commence the acquisition proceedings by issuing necessary notification (in case, the lands are not acquired by private negotiation) within a period of four months from the date of this order. Respondent nos.2 to 5 shall complete the acquisition proceedings within the stipulated period under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, thereafter.

7. The Writ Petition is accordingly disposed of. No costs.

[R.G. AVACHAT, J.]

[S.V. GANGAPURWALA, J.]

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