

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

941 WRIT PETITION NO. 9191 OF 2016

UMESH NILKANTH NAIKINDE AND ORS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND ORS ..RESPONDENTS

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Mr. Doke Kishor R & Mr. Doke S.K., Advocate for
Petitioners.

Mr. V.S. Badakh, AGP for Respondent/State.

Mr. R.B. Deshpande, Advocate for Respondent No.4.

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**CORAM : R.M.BORDE AND
A.M.DHAVALA, JJ.**

DATE: 10th July, 2018

PER COURT:

. Heard.

2. Rule.

3. The petitioners are praying for issuance of directions to respondents to complete the land acquisition proceedings in respect of the land already taken in possession by the acquiring body, to pass the award and to pay compensation to the petitioners in terms of the said award. An affidavit in reply has been presented on behalf of

the acquiring body, wherein it is stated that a new proposal for initiating the land acquisition proceedings has been tendered on 07.09.2016 to the Collector and a notification under Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has also been issued.

4. It is not a matter of dispute that possession of the property has already been taken over by the acquiring body in 2010. The State Government is statutorily bound to declare the award, determine the amount of compensation and to pay the same to the claimants, whose land has been taken over by the State.

5. For the reasons aforesaid, the writ petition is allowed. Respondent nos. 1 and 2 are directed to complete the land acquisition proceedings and to declare the award in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation

and Resettlement Act, 2013 as expeditiously as possible, preferably within a period of one year from today and it is accordingly directed.

6. On determination of amount of compensation, respondent nos. 4 and 5 shall pay the amount to the petitioners in accordance with the determination by the Land Acquisition Officer as expeditiously as possible, preferably within a period of two months from the date of publication of the award.

7. With the directions as above, the writ petition is disposed of.

8. Rule is made absolute to the extent as specified above.

9. There shall be no order as to costs.

(A.M.DHAVALA)
JUDGE

(R.M.BORDE)
JUDGE