

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10162 OF 2016

1. Bhima s/o Yedu Kedar,
Age : 65 years, Occu. Agri.
R/o Kholyachiwadi, Post : Rakshsbhuvan,
Tal. Shirur (Kasar),
Dist. Beed.
2. Tukaram s/o Appasaheb Kedar,
Age : 22 years, Occu. Agril.
R/o Kholyachiwadi, Post : Rakshsbhuvan,
Tal. Shirur (Kasar),
Dist. Beed.

...PETITIONERS

VERSUS

1. The State of Maharashtra,
Through Collector, Beed,
2. The Deputy Collector,
Land Acquisition Minor Irrigation,
Beed, Dist. Beed.
3. Executive Engineer,
Minor Irrigation Division,
Zilla Parishad, Beed,
Dist. Beed.

...RESPONDENTS

Advocate for Petitioners : Mr. Sushant B. Choudhari
AGP for Respondents: Mr. S.S. Dande
Adv. for Respondent no. 3 : Mr. S.B. Manale

**CORAM : R.M. BORDE &
K.K. SONAWANE, JJ.**

DATE : 5th April, 2018.

ORAL JUDGMENT:-

Heard. Rule. Rule made returnable forthwith. With the consent of parties, petition is taken up for final hearing at admission stage.

2] According the petitioners, they are owners and possessors of Gat No. 231A, 231Aa and 231E situated at village Kolyachiwadi, Taluka Shirur, Dist. Beed. A portion of land belonging to the petitioners out of aforesaid survey numbers has been taken in possession by the State, for construction of percolation of Tank No.3 and the construction of percolation tank is completed in the year 2007. It is the contention of the petitioners that inspite of repeated requests made by the petitioners, the respondents have not determined the amount of compensation payable to the petitioners in respect of the acquired land and thus, the petitioner are deprived of their property, in defiance of the provisions of law.

3] It has been pointed out on behalf of respondents that the proposal for acquisition has been tendered by the Executive Engineer, Minor Irrigation Division, Zilla Parishad, Beed on 19.11.2016 and the proceeding for determination of amount of compensation is set in motion.

In the circumstances, this petition can be disposed of by directing the respondent No.2- Collector, to complete the proceedings in respect of passing of an award and declare the same either by himself, or by appointing any subordinate officer of the rank of Deputy Collector/SDO, as expeditiously as possible and preferably within 8 months from today. On declaration of the award of the Collector, the respondent No.3 - Zilla Parishad, shall disburse the amount of compensation so determined under the award, as expeditiously as possible; preferably within 4 months from the date of such declaration.

With the directions as above, rule is made absolute to the extent as specified above. Writ petition is accordingly disposed of. No costs.

[K.K.SONAWANE, J]

[R.M. BORDE, J]

grt/-