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

WRIT PETITION NO.13106 OF 2017

Vitthal s/o Goraksha Devadhe,
Age: 39 years, Occ: Agri.,
R/o. Dadegaon Post and Taluka
Shevgaon, Dist. Ahmednagar. **..PETITIONER**

VERSUS

The State of Maharashtra
Through its Secretary,
Land and Revenue Department,
Mantralaya, Mumbai-32 & ors **..RESPONDENTS**

Mr N.K. Kakade, Advocate for petitioner;
Mr K.B. Jadhavar, A.G.P. for respondents/State;
Mr M.C. Swami, Advocate for respondent No.4

**CORAM : PRASANNA B. VARALE
AND
MANGESH S. PATIL,JJ.**

DATE : 19th NOVEMBER, 2018

ORAL ORDER :

Heard Mr. Kakade, learned Counsel
appearing for the petitioner and learned A.G.P. for
respondents-authorities at length. With consent of
the parties, petition is taken up for final
hearing.

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2. Our attention is invited to the order of this Court dated 23rd August, 2018. Mr. Kakade, learned Counsel appearing for the petitioner submitted that the he is land owner and his land is situated at Shevgaon, District Ahmednagar. He then invited our attention to the representation submitted to the Executive Engineer, Jayakwadi project, Aurangabad. The grievance of the petitioner raised in the representation is, in view of Jayakwadi project, his land was part of an area of submergence and this let the petitioner for unutilization of his land. The petitioner submitted to the authorities that the said agricultural land is only his source of livelihood and in view of this peculiar circumstances, though the petitioner is unable to utilize his land for any other purpose, the authorities to take necessary steps for acquisition of the land so that the petitioner would be in a position to get compensation for his acquired land.

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3. Mr. Kakade, learned Counsel submitted that though the representation is submitted in the year 2016 and in spite of repeated request to the authorities, no heed is paid, as such, the petitioner is left with no choice but to approach this Court. He then invited our attention to the order of this Court dated 28th March, 2006 in Writ Petition No.7331 of 2005. The copy of the said order is placed at Exhibit-D.

4. The submission of Mr. Kakade, learned Counsel is, the petitioner is similarly circumstanced with the petitioner Shahurao s/o Bhanudas Bhagwat in Writ Petition No.7331 of 2005. In support of submission, he invited our attention to the paragraph Nos. 3,4 and 5 of the order of this Court in above referred writ petition.

5. It may be necessary for us to refer certain factual aspects namely; though the Executive Engineer, Nimna Dudhna Prakalp Divisioin at Taluka Sailu, District Parbhani was party

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respondent No.5 to the petition, subsequently respondent No.5 is deleted from the array of the respondents.

6. In response to the notice of this Court, an affidavit in reply is filed on behalf of respondent Nos. 1 to 4 through Smt. Swati Vasantrao Suryawanshi, Deputy Collector, Land Acquisition No.13, Ahmednagar. Learned A.G.P. invited our attention to the statement made in the affidavit in reply at paragraph No.3, which reads thus :

"3. I say and submit that it is expected from the concerned acquiring body to submit the proposal for acquisition of land in question. However, till today no such proposal has been received to the office of the answering respondent. After receipt of the proposal, if any forwarded by the acquiring body, further necessary action/proceedings in accordance with law will be initiated by the answering respondent."

7. Our attention was also invited to the copy

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of the communication placed on record along with the affidavit in reply at Exhibit. R-1A dated 26th February, 2018.

8. Learned A.G.P. submits that the respondent Nos.1 to 4 are awaiting response from the Executive Engineer, Jayakwadi Project, Paithan to the communication dated 26th February, 2018. Learned A.G.P. makes a statement that as soon as the response in the form of receipt of the proposal is received, further necessary action/proceedings in accordance with law would be initiated.

9. In our opinion, by accepting this statement, the petition can itself be disposed of with direction to respondent Nos. 2,3 and 4 to pursue the Executive Engineer, Jayakwadi Project, Paithan, Aurangabad Division, Aurangabad for seeking response on communication dated 26th February, 2018 and then to take appropriate steps and to abide by the statement/undertaking made before this Court in the affidavit in reply and

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particularly paragraph No.3 of the affidavit in reply.

10. This exercise be completed as expeditiously as possible and not later than twelve weeks from the date of the order of this Court.

11. With this direction, the petition is disposed of.

(MANGESH S. PATIL)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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