

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

914 WRIT PETITION NO. 553 OF 2017

1. VITTHAL S/o LIMBAJI RATHOD
2. RAJESH S/o LIMBAJI RATHOD
3. SUNITA W/o SANJAY RATHOD
4. DEVIDAS S/o BALA RATHOD

V/s.

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Shah N.S.
AGP for Respondents/State : Mr. S.S. Dande

...

**CORAM : PRASANNA B. VARALE &
MANGESH S. PATIL, JJ.**
DATE : 24.11.2018

PC. :-

Heard the learned counsel appearing for the petitioners and learned A.G.P Mr. Dande appearing for the respondent-state authorities. With consent of the parties the petition is taken up for final hearing disposal.

2. The petitioners who are the land owners by way of present petition pray for directions to the respondent-authorities to initiate land acquisition proceedings for acquisition of the land of petitioners as early as possible and to pay compensation for the acquisition of the land.

3. A notice was issued by this Court on 20.01.2017 and for some time the replies were not filed and as such this Court by an order dated 19.11.2018 directed the authorities to file affidavit in reply before the next date. Today, Mr. Dande the learned A.G.P. submitted that affidavit in reply is ready and same is tendered for our perusal in the Court. Copy of the affidavit in reply is supplied to the counsel appearing for petitioners.

4. A statement is made in the affidavit in reply filed on behalf of the respondent no.3 through Mr. S.D. Dongaonkar, District Water Conservation Officer, Soil and Water Conservation Division, Jalna that the proposal was submitted to the Collector, Parbhani in respect of acquisition of land by communication letter dated 15.12.2015. On receipt of the proposal the Collector, Parbhani allotted the proposal to the Deputy Collector, Land Acquisition, Parbhani for further procedure as per provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. An exercise of joint measurement was carried out and the report of the joint measurement was received by the office of the deponent on 27.12.2017. By adopting the procedural formalities referred to as in the new Act of 2013, the petitioners were given a choice and these petitioners submitted their consent letters duly signed by them to the concerned officer. It is submitted in these letters that the petitioners agree to adopt the procedure as per the new Act and they are further ready to permit

the respondent-state to acquire their land by fixing the adequate rate of compensation. These consent letters are placed on record along with the affidavit in reply. The learned counsel appearing for the petitioner admit these facts.

5. In view of these facts, it is now an undisputed position that the respondent-authorities are proceeding in the matter by adopting the provisions of new Act and this act initiated by the respondents would reach to its logical end, as the State authorities are adopting the provisions of new Act. In view of this fact, the grievance of the petitioners is addressed to and redressed by the respondent-authorities. The petition is thus accordingly disposed of.

[MANGESH S. PATIL, J.]

[PRASANNA B. VARALE, J.]