

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13427 OF 2017

Smt. Sushma Yeshwant Nadgonde
and Ors.

.....Petitioners

V/s

The State of Maharashtra & Ors.

.....Respondents

* * * * *

Mr. Dheeraj Patil i/by. Mr. Prashant Bhavake, Advocate
for the Petitioners.

Ms. Geetanjali Shinde, AGP for respondents no.1 to 4.

Mr. Nitin P. Deshpande, Advocate for respondent no.5.

Coram : A.A. Sayed, &

Sandeep K. Shinde, JJ.

Monday, 15th October, 2018.

P.C. :

1. This petition filed under Article 226 of the
Constitution of India, seeks following reliefs :

“b] By suitable Writ, Order or direction, this Hon'ble Court be pleased to direct the Respondents to forthwith initiate land acquisition proceedings of the petitioner's lands bearing gat No. 528 admeasuring 4 Hectares 6 Ares, Gat No. 901 admeasuring 2 Hectares 44 Ares, Gat No. 983 admeasuring 18 Ares, Gat No.1113 admeasuring 21 Ares and Gat No. 977 admeasuring 41 Ares situated at Mouje Vhannur, Taluka Kagal, District : Kolhapur and pass land acquisition award by determining the compensation amount as per provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or determine the compensation as per Government Resolutions dated 12-5-2015, 30-9-2015 and 25-1-2017 within three months or any other period which this Hon'ble Court deems fit and proper and accordingly be pleased to further direct the Respondents to pay compensation amount to the Petitioners as per said proposal award

within one month from the date of passing award or within any other period which this Hon'ble Court deems fit.

C] By suitable writ, order or direction, this Hon'ble Court be pleased to direct the Respondents to pay the prescribed amount of rent of petitioner's aforesaid lands from the year 2013 till the actual payment of compensation as per proposed land acquisition award along with the interest at the rate of 18% per annum."

2. The Executive Engineer-Dudhganga Canal Division No.1, Kolhapur has filed an Affidavit on behalf of respondent no.5-the Acquiring Body- Maharashtra Krishna Valley Developmetn Corporation (MKVDC) wherein in paras-2, 3 and 4 it is stated as under :

"2. I say that, the process of acquisition of land has already started as can be seen

from the order dated 2.2.2018 passed by the office of the Collector, Kolhapur. Hereto annexed and marked as Exhibit R-1, is the copy of the said order dated 2.2.2018.

3. *As acquiring body, the MKVDC has deposited an amount of Rs.4,22,57,948/- by cheque No. 486822 drawn on IDBI Bank, Shivaji Chowk, Kolhapur with SDO, Radhanagari, Kagal. This was done in pursuance to the demand made by the Sub-Divisional Officer, Radhanagari, Kagal, Kolhapur by letter dated 23.4.2018. Hereto annexed and marked as Exhibit-R-2 is the copy of the letter dated 23.4.2018.*

4. *I say that, the ground rent due to the petitioner shall be paid to the petitioners as early as possible and preferably within six months from the date of order of this Hon'ble Court."*

3. The Learned AGP also confirms that, the process of acquisition has started and it will take about

two years to complete the acquisition process. In the circumstances, we dispose off the petition by passing the following order :

(a). The respondent-State shall issue a preliminary Notification under Section 11 of the Right to Fair Compensation, and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within two months from today.

(b) The entire acquisition process shall be completed within maximum period of 2 years from today.

4. We accept the statement made in the Affidavit of respondent no.5-acquiring body that the ground rent shall be paid to the petitioner within six months from

today.

5. The petition shall stand disposed off in aforesaid terms.

(SANDEEP K. SHINDE, J)

(A.A. SAYED, J)