

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO. 13552 OF 2017

...
 Pandurang Govind Joshi (since Deceased
 Through Lrs.)Petitioner

V/S

The State Of Maharashtra , Through Addl. Chief
 Secretary And Ors.Respondents

...
 Mr.Prashant Bhavake for Petitioner.
 Mr.R.S.Pawar,AGP for the State.
 Mr.Nitin P.Deshpande for the Respondent No.5.

...
CORAM : A.A. SAYED &
S.C.GUPTE, JJ.

DATED : 31 AUGUST 2018

P.C.:

Leave to amend. Amendment to be carried out forthwith.

2. By this Petition the Petitioner seeks direction to the Respondents to pass an Award in respect of the Petitioner's land as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within a stipulated time. The Petitioner has further prayed for direction to the Respondents to pay rental compensation to the Petitioner from the year 1982 alongwith interest. According to the Petitioner the possession of the subject land was handed over to the Respondent No.4 on 18 March 1982.

3. An Affidavit has been filed on behalf of the Respondent No.5 by the Executive Engineer, Dudhganga Canal Division No.1, Kolhapur, where in paragraphs 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 2-02-2018 passed by the office of the Collector, Kolhapur. Hereto annexed and marked as Exhibit 'R-1' is the copy of the said order dated 2-02-2018.

3. As acquiring body, the MKVDC has deposited an amount of Rs.1,05,40,562/- by Cheque No.486823 drawn on IDBI Bank, Shivaji Chowk, Kolhapur with SDO, Ichalkaranji, District: Kolhapur. This was done in pursuance to the demand made by the Sub-Divisional Officer, Ichalkaranji, Kolhapur by letter dated 19-04-2018.

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.”

4. Learned AGP, on instructions, makes a statement that the entire process of acquisition and payment of compensation shall be completed within a period of 9 months from today.

5. In these circumstances, we pass the following order:

`The Respondents shall complete the entire exercise of acquisition and payment of compensation including rental compensation, if any, in accordance with law in respect of the Petitioner's land within a period of 9 months from today;'

6. The Petition is disposed of in the aforesaid terms.

(S.C.GUPTE,J.)

(A.A.SAYED, J.)