

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

WRIT PETITION NO. 3783 OF 2018

Smt. Arpana Mahesh Dwivedi and Ors. .. Petitioners
Versus
The State of Maharashtra and Ors. .. Respondents

Mr. Utkarsh Desai I/b Mr. P.S. Bhavake for Petitioners.
Ms. P.N. Diwan, AGP for Respondent Nos. 1 to 3 and 5.
Mr. Vijay D. Patil a/w Mr. Saurabh S. Kurade for Respondent No.4.

**CORAM : A.A. SAYED &
K.K. SONAWANE, JJ.**

DATE : 27 SEPTEMBER 2018.

P.C. :-

1. This Petition is filed for the following reliefs :-

“a) Rule be issued and record and proceedings be called for.

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 Petitioners' lands (of which possession is taken and lands which are more particularly mentioned in chart annexed to present Writ Petition “C”) situated at Village Sangwade, Sangawadewadi, Pattankodoli and Vasagade, Tal. Karvir, 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 within stipulated period which this Hon'ble Court may deems fit and proper and accordingly be pleased to further direct the Respondents to pay compensation amount to the Petitioners as per said proposed award within one month from the date of passing award or within any other period which this Hon'ble Court deems fit and proper.

c) In the alternative to prayer clause 'b', by suitable Writ, Order or direction, this Hon'ble Court be pleased to direct the Respondents to determine the compensation of the Petitioners' lands (of which possession is taken and lands which are more particularly mentioned in chart annexed to present Writ Petition "C") situated at Village Sangwade, Sangawadewadi, Pattankodoli and Vasagade, Tal. Karvir, District: Kolhapur as per Government Resolutions dated 12.05.2015, 30.9.2015 and 25.01.2017 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 said compensation amount to the Petitioners within one month from the date of executing agreements as per said as per Government Resolutions dated 12.05.2015, 30.09.2015 and 25.01.2017.

d) By suitable writ, order or direction, this Hon'ble Court be pleased to direct the Respondents to pay the prescribed amount of rent of Petitioners' aforesaid lands from the year 2004 till the actual payment of compensation as per proposed land acquisition award or payment of compensation as per Government Resolutions dated 12.05.2015, 30.09.2015 and 25.01.2017 alongwith the interest at the rate of 18% per annum.

2. It is an admitted position that despite the possession of the subject lands of the Petitioners being taken with consent of the Petitioners, who are owners of the subject lands, as far back in 2005, no acquisition proceedings have commenced and no compensation and ground rent have been paid to the Petitioners. An Affidavit has been filed by the Tahsildar on behalf of Respondent No.3-State, wherein he has stated that no actual land acquisition proposal was initiated for want of funds by the

acquiring body Respondent No.4-Corporation and that vide order dated 28.09.2017 the Sub Divisional Officer, Karveer was appointed as a Land Acquisition Officer. It is pointed out that the deponent Tahsildar had sent a letter dated 24.10.2017 to the Deputy Superintendent of Land Records, Kolhapur, for measurement of land.

3. The acquiring body Respondent No.4 – Maharashtra Krishna Valley Development Corporation through the Executive Engineer of Dudhganga Canal Division No. 1, has also filed an Affidavit-in-Reply stating that the Corporation has already deposited the pre-requisite proposed compensation amount with the Sub-Divisional Office on 14.09.2017. The Affidavit-in-Reply further states that the ground rent shall be paid within period of 6 months upon receipt of the measurement Report from the office of Land Records.

4. In the circumstances, we direct the Respondents to take immediate steps for acquisition and complete the entire process of acquisition, including the payment of compensation along with statutory benefits within a period of one year from today. We record the statement of learned Counsel for Respondent

No.4-Corporation that the ground rent shall be paid within 6 months upon receipt of the joint measurement Report from the office of Land Records.

5. The Writ Petition is disposed of in the aforesaid terms.

(K.K. SONAWANE, J.)

(A.A. SAYED, J.)