

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3651/2016

Babruwan Gunda Yadav & Ors.

... Petitioners

V/s.

State of Maharashtra & Ors.

... Respondents

Mr. Shrishail Sakhare for the Petitioners

Mrs. K. R. Kulkarni, AGP for the Respondent State.

**CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.**

DATED : JUNE 28, 2018

PC. :

1 Heard. By this petition under Article 226 of the Constitution of India the Petitioner is seeking direction against the Respondent to complete the acquisition proceedings in respect of the land admeasuring 3H 31R from Gut No.125 and land admeasuring 1H 61R from Gut No.180/1 situated at village Shirval, Tq. Akkalkot, Dist. Solapur and pay compensation.

2 It is the case of the Petitioner that though the Respondent took possession of the said land for construction of a water tank, they failed and neglected to pass any award and pay the compensation. Hence, he has filed the present Writ Petition.

3 The learned AGP for the Respondent has filed Affidavit-in-Reply dated 08.03.2018 duly affirmed by Mrs. Jyoti Hanuman Patil, Sub

Divisional Officer, Solapur No.2, Solapur stating that it remained on their part to pass an appropriate award in respect of the said land. She submits that they are ready and willing to take appropriate steps for acquisition of the said land within a short period. To that effect, the learned AGP has relied on paragraph 7 and 8 of the said affidavit, which read thus:

*“(7) I say that in view of order passed by this Hon'ble Court dated 14/08/2017, I have carefully verified the revenue records of impugned lands i.e. Gat No.175 and 180/1 as well as land acquisition proceeding initiated by acquiring body. I say that the record of Sub Divisional Officer Solapur No.2 Solapur shows that vide proposal dated 01/04/2004 of office of Collector Solapur it shows that total land admeasuring 4H 10R came to be acquired for percolation tank situated at village Shirval, Taluka Akkalkot, District Solapur. Hereto annexed and marked as **Exhibit-2** is the copy of proposal dated 01/04/2004 along with all documents annexed therewith. I say that the above said proposal has been lapsed due to lack of funds. This fact shows that land acquisition proceedings of the impugned lands came to be initiated in the year 2004 but said proposal has been came to an end due to lack of funds. I say that the record of this office shows that the **impugned land was taken by consent from concerned land holders by acquiring body. I say that the record shows that out of Gat No.175 an area admeasuring 3H 31R was taken for formation of water tank and total area admeasuring 1H 61R from Gat No.180/1 was taken for formation of water tank. I say that the record of this office shows that the possession of the impugned lands handed over by the concerned land holders to the acquiring body in the year 2004 voluntarily. Hereto annexed and marked as **Exhibit-3** is the copy of possession receipt. I say that the record shows that no compensation has been paid to the concerned land holders by the acquiring body till today. I say that the partial land i.e. 3H 31R out of 10H 77 R of Petitioner No.1 was taken for formation of water tank and the entire Gat No.180/1 i.e. land of Petitioner No.2 was taken for formation of water tank.”***

*“(8) I say that the record of Sub Divisional Officer Solapur No.2 Solapur shows that Executive Engineer, Minor Irrigation (Water Conservation) Solapur has submitted fresh proposal for acquisition of land in the office of Sub Divisional Officer Solapur No.2 Solapur on 14.02.2018. Hereto annexed and marked as **Exhibit-4** is the copy of proposal of land acquisition by the office of Executive Engineer, Minor Irrigation (Water Conservation) Solapur dated 14.02.2018. I say that in view of proposal dated 14/02/2018 necessary action will be taken by the office of Sub Divisional Officer Solapur No.2 Solapur as early as possible.”*

4 Considering the submissions made by the learned counsel for the Petitioner and the reasons disclosed by the Respondent in paragraph 7 and 8, we are satisfied that the Writ Petition can be disposed of with a direction to the Respondent to complete the acquisition proceedings and pay compensation to the Petitioner as early as possible, in any case, within a year from the date of receipt of certified copy of this order.

5 The Writ Petition stands disposed of in view of the aforesaid terms.

6 Parties to act on an authenticated copy of this order.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)