

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.688 OF 2018

Shri Ashok Kumar Satwaji Bidarkar ...
V/SPetitioner
The State of Maharashtra & Ors.Respondents

Mr. H.K. Vazirani with Ms. Pushpa Goswami for the Petitioner.
Mr. H.S. Venegaonkar, Additional Government Pleader for Respondent
Nos.1 to 4/State.

**CORAM : A.A. SAYED &
SANDEEP K. SHINDE, JJ.**
DATE : 31 OCTOBER 2018

ORDER:

1 The reliefs sought in the Petition are as under:

“(a) that this Hon'ble Court be pleased to issue a Writ of Mandamus or Writ in the nature of Mandamus or any other Writ, Direction, Order be passed directing the Respondents either to pay to the Petitioner the said compensation as per Land Acquisition Rehabilitation & Resettlement Act, 2013, Sections 26 to 30 and The First Schedule as well as Maha. Govt. Circular dated (1) 12.05.2015 (2) 26.05.2015 and (3) 30.09.2015 which shall be tendered to the Court at hearing in respect of the lands to be acquired by the Respondents in question of which the Petitioner is the owner thereof or in the alternative the Respondents be directed by an Order of this Hon'ble Court to release the said lands acquired under the

said Notification dated 12.2.2009 issued by the Respondents at Exhibit "B" annexed to Petition.

(b) that this Hon'ble Court be pleased to pass mandatory Orders directing the Respondents either to pay to the Petitioner the said compensation as per Land Acquisition Rehabilitation & Resettlement Act, 2013, Sections 26 to 30 and The First Schedule in respect of the lands acquired to be by the Respondents in question of which the Petitioner is the owner thereof or in the alternative the Respondents be directed by an Order of this Hon'ble Court to release the said lands acquired under the said letter dated 12.2.2009 issued by the Respondents at Exhibit "B" annexed to Petition."

2 An Affidavit-in-Reply on behalf of Respondent No.4 has been filed. In paragraph 6 thereof it is stated as follows:

"6) That in respect of village Bhale, Kumbharte & Kandalgaon the notification was also sent towards Govt. under Sec. 32(1) M.I.D.C. Act 1961. Accordingly, the Govt. has sanctioned the project for village Bhale and in respect of village Kumbharte & Kandalgaon Budruk u/sec. 32(1) is under progress and it will take one month for the same. If the said notification is sanctioned through the Govt. then in respect of village Kandalgaon Budruk the acquisition compensation amount will be distributed to the concern owners of the said landed properties is possible."

3 We accept the aforesaid statements made in paragraph 6 of the Affidavit-in-Reply and dispose of the Petition. In the event acquisition proceedings are yet not commenced/initiated, the same shall be done on or before 1 December 2018.

4 The Writ Petition to stand disposed of in the aforesaid terms.

(SANDEEP K. SHINDE, J.)

(A.A. SAYED, J.)

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