

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2917 OF 2017

Vimal w/o Ramkishan Khodwe

...Petitioner

Versus

The State of Maharashtra
Through its Principal Secretary
Irrigation Department, Mantralaya,
Mumbai and others

...Respondents

.....

Mr. Dhanure Bramhanand M., Advocate for petitioner
Mr. A. V. Deshmukh, Assistant Government Pleader for
respondents no. 1, 3 and 5

.....

CORAM: SUNIL P. DESHMUKH &
S. M. GAVHANE, JJ.

DATE: 29th July, 2019

ORDER :

1. Petitioner claims that out of 5 *Hector*, 13 *Are* holding of her husband in land survey/Gat no. 96/77 situated at Yelda, taluka Ambajogai district Beed, respondent no. 4 – the Executive Engineer, Minor Irrigation Department, Beed has taken

possession of portion admeasuring 1 *Hector* and 8 *Are* on 25th May, 1995 for Yelda Percolation Tank no. 5 with consent of husband of the petitioner. *Panchanama* had been drawn by officers of respondents no. 4 and 5 and the same has been placed on record along with schedule-A and joint measurement report as are supplied to the petitioner by respondent no. 5 under Right to Information Act. However, according to learned counsel, since the date of taking over possession of the piece of land, no further progress has taken place and award has perhaps not been passed. The petitioner had been following up the matter and had filed representations to respondent, yet for a long time, no progress has taken place. In February, 2015, petitioner had submitted representation to respondent no. 3 – Collector / Special Land Acquisition Officer, Beed requesting for taking steps for acquisition of land and pay amount of compensation. Similar representation had been submitted in July, 2015.

2. In December, 2015, respondent no. 3 – Collector / Special land acquisition officer communicated to the deputy collector (Land Acquisition) to take steps according to the representation

of the petitioner and communicate back to the concerned authority. Accordingly, communication had been issued by the deputy collector (Land Acquisition), Ambajogai to respondent no. 3 that acquisition proceeding has been stayed since respondent no. 4 – Executive Engineer, Minor Irrigation Department, Beed had communicated to him that project of Yelda Percolation Tank no. 5 has been deleted from Rozgar Hami Yojna (Employment Guarantee Scheme). Accordingly, communication has been issued to petitioner on 1st May, 2016, referring to that compensation cannot be paid as per spot inspection report of respondent no. 5, as no soil is used for the purpose of tank.

3. Having regard to aforesaid position and while the petitioner claims that land has been taken in possession by acquiring authority and refers to joint measurement report as well as *panchanama*, this particular aspect does not appear to have been specifically considered nor continuous representations from 2015 have been responded to.

4. In the circumstances, we direct respondents no. 2 and 3 to take into account all relevant factual aspects and decide on representations referred to by petitioner in present writ petition.

5. With aforesaid, writ petition accordingly stands disposed of.

[S. M. GAVHANE]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

vdk