

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7415 OF 2012
WITH
CIVIL APPLICATION NO. 4168 OF 2019

Surekha Bapurao Shelke ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. D.R. Jayabhar, Advocate for Petitioner
Mr. Y.G. Gujrathi, Assistant Government Pleader for
Respondents/State

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 11th APRIL, 2019

ORAL ORDER:

1. Heard the learned Counsel for the petitioner.
2. The affidavit is filed by respondent No. 2. Para No. 5 of the affidavit-in-reply reads thus -

05. I further say and submit that, the proposal submitted by respondent no.3 regarding compensation under Section 26 [2] to 30 of Land Acquisition Act, 1930 has been recommended to Assistant Director Town planner, Dist. Beed on 27.02.2018 with original file no.65/2006. It is further submitted that, after its sanction from Assistant Director town planner, the petitioner will be called for negotiations to fix the amount of compensation. Thereafter the proposal will be forwarded to State

Government for sanction. It is further submitted that for the above procedure time of three months would be required. Hence, it is prayed that three month time may be given to complete the entire procedure. Annexed herewith and marked as Exhibit R-1 is the copy of recommended proposal dated 27.02.2018.

3. According to the petitioner, the petitioner has never been called upon for negotiation till date. As per the affidavit, within three months, the process was to be done.

4. If the land is not acquired by the respondent by paying compensation within a period of four months from today, then the respondent shall initiate the land acquisition proceedings as per the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, (Rehabilitation and Resettlement) Act, 2013 within a period of three months thereafter and complete it in accordance with the provisions of the Right to Fair Compensation Act and complete the same within the time stipulated under the provisions of the Right to Fair Compensation Act.

5. The applicant is allowed to withdraw the amount of Rs. 3,00,000/- deposited by the respondent. The same shall be adjusted in the total amount of compensation payable to the petitioner.

6. The Writ Petition is disposed of. No costs.
7. In view of disposal of the Writ Petition, Civil Application also stands disposed of.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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