

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

35 WRIT PETITION NO.7712 OF 2019

ASHABAI NAVNATH MADAKE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Hrishikesh V. Tungar, Advocate for the
Petitioner.

Mr. S. G. Karlekar, AGP for Respondents-State.

Mr. D. P. Bakshi, Advocate for Respondent No.4.

...

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATED : 21st AUGUST, 2019.

PER COURT:-

1. The grievance of the petitioner is that though the Award is passed on 03.03.2016, the amount of compensation is not yet paid.

2. We have heard learned A.G.P. for respondent nos.1 to 3. Mr. Bakshi, learned counsel appears for respondent no.4.

3. The Award is passed on 03.03.2016. More than three years have lapsed, the amount of compensation is not yet paid to the claimant. The amount of compensation ought to be paid immediately. As per section 38 of the Right to Fair Compensation Act "the Collector shall take

possession of land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for the compensation and a period of six months for the monetary part of rehabilitation". According to the petitioner, the compensation of the petitioner's land is taken by the respondents on 12.12.2000.

4. In the light of above, respondents shall pay the compensation amount to the petitioner as he would be entitled to in terms of the Award dated 03.03.2016 (Exhibit-A, Page No.13) within a period of four (04) months from today.

5. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE