

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10345 OF 2018

Ashok Sukalalsing Patil and Ors.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Prakashsing B. Patil, Advocate holding for
Mr. Prafullasing H. Patil, Advocate for Petitioners
Mr. P.S. Patil, Additional Government Pleader for
Respondent Nos. 1 to 4

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

DATE : 26th MARCH, 2019

ORAL ORDER:

1. The affidavit is filed by the Sub-Divisional Officer, Amalner, Dist. Jalgaon. Para Nos. 4, 5, 6, 8 and 10 of the affidavit reads thus

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4. I say and submit that, the respondent No. 5, i.e. the Executive Engineer, (Gul Project) Jalgaon has submitted fresh proposal for acquisition of petitioners land for Canal, Gul project, before the Collector on 10.03.2016. Thereafter, the Collector, vide order dated 20.04.2016 has allotted the said proposal to this deponent office for land acquisition for construction of Canal of Gul project, Jalgaon. The copy of the said letter dated 20.04.2016 is annexed herewith and marked as EXHIBIT R-1.

5. I say submit that the deponent allotted New No.

78/2016 (old No. 18/2010) to said proposal and the proposal is sent to the Dy. Superintendent of Land Records, Chopda, Dist. Jalgaon for joint measurement. Copy of the same is given to the concerned Executive Engineer and Asst. Engineer to complete Joint measurement on 19.06.2016 is annexed herewith and marked as EXHIBIT R-2.

6. I say and submit that, the Dy. Superintendent of Land records has issued letter to The Asst. Executive Engineer, (Gul Medium Project) Sub Division Chopda and issued notices for measurement to concerned farmers. These notices are annexed by the petitioner to the petition. The report of the final joint measurement is still awaited.

8. I further say and submit that, the Executive Engineer, Jalgaon Medium Project No. 1 Jalgaon submitted as fresh proposal stating there in that, to purchase that land by way of private negotiation for the said Gul Project on dated 01.06.2018 as per Government directions mentioned in circular dated 25.01.2017 and 27.11.2017. The copies of the same are annexed herewith and marked as EXHIBIT R-6 collectively (i.e. letter date 01.06.2018 and circular dated 25.01.2017.

10. I say that, out of 27 petitioners 25 petitioners and are agree with new proposal and submitted their no objection certificate to Executive Engineer, Medium Project, Jalgaon for private negotiating the said land of the farmers. The copies of the same are collectively annexed herewith and marked as EXHIBIT R-8. The deponent's office will take immediate steps to complete the procedure as per Government Circular dated 25.01.2017.

2. It is stated in the affidavit that the respondent is proceeding for acquiring the property of the petitioners by private negotiations. It is further submitted that out of 27 petitioners, 25 petitioners have given no objection. The respondents may acquire the property by private negotiations within six months from today.

3. In case the negotiations do not fructify then, the process shall be initiated for acquisition as per the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 after six months and preferably within a period of three months after the lapse of six months and the same shall be completed within time stipulated time under the said Act.

4. The Writ Petition is accordingly disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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