

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

52 WRIT PETITION NO.9961 OF 2018

UTTAM DAULAT JADHAV AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. Dnyaneshwar A. Bide, Advocate for the
Petitioners.

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

Mr. Anand Chawre, Advocate for Respondent No.5.

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

DATED : 26th FEBRUARY, 2019.

PER COURT:-

1. Mr. Bide, learned counsel for petitioners submits that the lands and houses of petitioners were acquired, but no rehabilitation was provided by the Government, as such petitioners built their house on the Government land. The respondents had issued notification under Section 4 of the Land Acquisition Act, however, subsequently, no steps are taken. The petitioners are entitled for compensation or lumpsum compensation amount for the houses constructed by petitioners.

2. Mr. Karlekar, learned A.G.P. submits that petitioners are encroacher on the Government land, as such no question arises of acquisition

proceedings to be undertaken. The learned A.G.P. further submits that the case of petitioners would be governed by the Government Resolution dated 13.06.2018.

3. Mr. Bide, learned counsel further submits that petitioners have given representations to the acquiring body and the State Authority on 11.05.2017, however, no action has been taken by the respondents pursuant to the same.

4. It appears that petitioners are on Government lands. The respondents shall consider the policy adopted by them, so also the Government Resolution dated 13.06.2018 and take decision upon the representations given by the petitioners (Exhibit-G, Page-64) on its own merits, in accordance with law, expeditiously and preferably within a period of six months from today.

5. Writ Petition is disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE