

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12736 OF 2018

Machindra Wamanrao Jogdand

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. N.J. Pahune Patil, Advocate for Petitioner

Mr. K.B. Jadhavar, Assistant Government Pleader
for Respondents/State

Mr. S.P. Chate, Advocate for Respondent No. 4

Mr. G.K. (Naik) Thigale, Advocate for Respondent No. 5

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

DATE : 27th FEBRUARY, 2019

ORAL ORDER:

1. The land of the petitioner has been utilized for construction of road probably in the year 2006. The petitioner claims to be owner of Survey No.180/A-2, which was initially admeasuring 3 acres and 29 gunthas, out of which 2 acres of land has been sold on 09.04.1979. The Tahsildar has given a letter to the Collector dated 03.10.2006 that the road is constructed through the remaining land i.e. Bhagwan Vidyalaya to Palvan. The same is to the West of Aher Dhanora Road.

2. The Municipal Council contends that the Zilla Parishad constructed the road in the year 2006, and thereafter, handed over to the Municipal Council in 2014 and Municipal Council is only repairing the road.

3. According to the Zilla Parishad, the road is already handed over to the Municipal Council, so, the Zilla Parishad is not required to acquire the property.

4. The respondent Nos. 4 and 5 are passing on the buck over each other. The fact remains that the land which is alleged to be affected in the road is not acquired nor any compensation is paid to its legitimate owners.

5. The respondent No. 2 shall within a period of two months, direct the appropriate authority to submit a proposal for acquisition in respect of the land that may have been affected in the road i.e. said to be constructed in the year 2006 as per the letter of the Tahsildar dated 03.10.2006 (Exhibit-'B'). The acquisition proceedings shall be initiated thereafter within a period of three months and shall be concluded within a time stipulated under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

6. The Writ Petition is disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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