

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

WRIT PETITION NO.391 OF 2019

**BHIMABAI BHAUSAHEB AHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.D.B. Gaikwad, Advocate for the petitioner.
Mrs.M.A. Deshpande, AGP for respondent

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.
DATED : 15.01.2019**

P.C. :-

1. Heard learned Counsel for the petitioner. It is submitted before us that the petitioner is a widow and is having two sons in the family. It is further submitted that none of the member of the family including the petitioner is literate. It is then submitted that only source of livelihood of the petitioner and her family is the agricultural land. Learned Counsel for the petitioner also invited our attention to the copy of 7/12 extract and then it was submitted before us that the land of the petitioner was acquired for percolation tank. Learned Counsel by inviting our attention to the representation/application submitted to the authority, namely, an application to Tahsildar dated 15.11.2006 and to respondent No.4 – Executive Engineer, Minor Irrigation,

Aurangabad dated 18.09.2006, submitted that the petitioner requested the authorities to grant compensation for the acquired land. It is also grievance of the petitioner that the land of the petitioner was acquired without following procedure of law. Learned Counsel then submitted that as the petitioner approached repeatedly to the authorities and oral assurances were given, they were hopeful of some progress in the matter. Learned Counsel then by inviting our attention to the documents placed on record i.e. copy of reminder dated 11.05.2007 submitted that respondent No.3 – Special Land Acquisition Officer informed the Taluka Inspector of Land Records, Vaijapur to undertake exercise of joint measurement within stipulated period of three months and submit measurement report to office of Special Land Acquisition Officer. Learned Counsel then submitted that inspite of assurance given, the petitioner is deprived of the compensation against the acquisition of land. As such the respondent – authorities, more particularly, respondent Nos. 3 and 4 be directed to decide the representations within stipulated period.

2. Learned AGP submitted before us that the petitioner

has approached this Court belatedly and though representations are submitted sometime in the year 2006. Now the petitioner is claiming for compensation under the provisions of new Act.

3. As we are not entering into this arena, wherein the assessment of merit of the matter is sought for by the learned AGP, we are of the opinion that the Counsel for the petitioner was justified in submitting that the petitioner is illiterate lady and not conversant with legal procedure, as such there was delay in approaching this Court, we are disposing of this petition only with directions to respondent Nos. 3 and 4 to decide the representation submitted to the authorities, needless to state, on merits of the representation. The authorities, namely, respondent Now.3 and 4 to decide the representation as expeditiously as possible and not later than 12 weeks

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]