

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13937 OF 2018

PRALHAD RUPCHAND TALELE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners :

Mr. Patil Vijay B.

AGP for Respondents No. 1 to 5 :

Mr. K. B. Jadhavar

Advocate for Respondents No. 6 to 8 :

Mr. S. D. Dhongade

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

DATE: 25th JUNE, 2019

PER COURT:

1. The petitioners seek direction against the respondents to acquire their land. The acquiring body has filed an affidavit. Paragraph No. 21 of the affidavit reads thus -

"As to contents of paragraph No. 20 the deponent submits that, Varangaon Talvel Pariser Sinchan Yogana is the Lift Irrigation Scheme and a major project. Out of its main components PH2 is planned in gut No. 83/2 of Muje Manpur Tal. Bhusaval Dist. Jalgaon. In due construction process and as there was not clear demarcation between Gut No. 83/1 and Gut No. 83/2 some part of construction of PH2

is existing in Gut No. 83/2 also. Respondent No. 8 already accepted this fact and ready to acquire the required land of Gut No. 83/2 as per Land Acquisition, Rehabilitation and Resettlement Act 2013. Instead of following regular Land Acquisition procedure. Respondent No. 8 is ready to acquire Gut No. 83/2 by private purchase as per G.R. dated 12.05.2015."

2. In light of the affidavit filed by the respondent, the grievance of the petitioners is taken care of.

3. The respondents may acquire the land by private negotiations. If the private negotiations are not fructified within a period of nine (09) months, then the respondents shall initiate regular acquisition proceedings thereafter and shall acquire it within the time stipulated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

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

[MANGESH S. PATIL, J.]
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[S. V. GANGAPURWALA, J.]