

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

1026 WRIT PETITION NO.161 OF 2018

NAMDEO JANARDHAN WANJARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Bide Dnyaneshwar A.
Mr. PS Patil, AGP for Respondents: 1 to 3;
Mr. Ruturaj Patil, Adv. For Resp.Nos. 4 & 5;
Mrs. Deshpande Manjusha A., Adv. For Resp.No. 6.

**CORAM : S.V.GANGAPURWALA &
AVINASH G.GHAROTE, JJ.**

DATED : 29th November, 2019.

PER COURT:-

1. The petitioner seeks directions to initiate acquisition proceedings.

2. An affidavit is filed by the Deputy Collector, Land Acquisition to the effect, the relevant paras of which, read thus, -

“4. I say and submit that, by way of the said representation dated 22.09.2017 filed by the petitioner in the office of the respondent Nos. 2 and 3, the petitioner has contended that, on account of the back water of the Jaikwadi dam, he has sustained huge loss of his agriculture land on account of accumulation of the water in his land and so the petitioner has requested the respondent authorities

for acquiring his affected land as per the provisions of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. I say and submit that, before deciding the representation filed by the petitioner, a detail inquiry in respect of the actual loss allegedly sustained by the petitioner on account of the back water is required to be conducted and so also the present petitioner and the concerned irrigation authorities are also required to be heard and so the deponent assures to this Hon'ble Court that, the deponent and the Respondent No.2 shall decide the representation filed by the petitioner on its merits by initiating and completing the necessary inquiry within a period of 6 months and after inquiry, if it is transpired that, the present petitioner has actually sustained loss if any then in such situation necessary directions shall be given to the Executive Engineer, Jaikwadi Irrigation Department, Paithan and the other concerned authorities including the present respondent Nos. 4, 5 and 6."

3. It was submitted that the petitioner was called for the hearing by the Deputy Collector, Land Acquisition twice, however, the petitioner remained absent for one hearing and the next date of hearing is kept on 6th December, 2019.

4. The petitioner shall remain present for the hearing on 6th December, 2019.

5. Depending upon the decision that would be taken by the Deputy Collector, Land Acquisition, the parties may take further steps.

6. The writ petition is disposed of. No costs.

(AVINASH G.GHAROTE,J.)

(S.V.GANGAPURWALA,J.)

BDV