

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6016 OF 2018

Shri. Kiran Moreshwar Wakankar ..Petitioner

V/s.

**Deputy Collector (Acquisition) Minor ..Respondents
Irrigation Division, Raigad & Ors.**

Mr. T. D. Deshmukh for the Petitioner.

Mrs. P. N. Diwan, AGP for the Respondent-State.

**CORAM : R. M. BORDE & N. J. JAMADAR, JJ.
DATE : APRIL 16, 2019**

PC :

1. The petitioner is praying for issuance of directions to the respondents to initiate land acquisition proceeding under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and pass award within prescribed time frame. Petitioner also requests for issuance of direction to the respondents to disburse the amount of compensation to the petitioner within prescribed time frame.

2. Affidavit in reply has been presented on behalf of the State Government wherein it has been stated that, in view

of Government Resolution dated 12th May 2015 and Government Circular dated 25th January 2017, the land required for the irrigation project and, certain other projects can be purchased by entering into private negotiation with the owners and the compensation amount can be determined by mutual agreement. It is further stated that Executive Engineer, Minor Irrigation Division, Hetavane in view of communication-cum-proposal dated 24th May 2018 has informed the District Collector, Raigad as regards terms of agreement for proposed purchase/acquisition by private negotiations. In observance of the Government Resolution and Government Circular, referred to above, the Collector, Raigad by communication dated 16th July 2018 addressed to the SDO, Raigad has issued directions for acquisition of lands.

3. On perusal of the order passed by Division Bench dated 22nd December 2018, it transpires that, the proposal concerning land of petitioner is already sent to Assistant Director, Town Planning for finalization of the valuation. It is informed by learned AGP appearing for the State, that the process of final determination of amount of compensation is now complete. It is further informed that value of the landed property under acquisition shall have to be paid to petitioner in furtherance of such determination. The factum of finalization of determination of valuation of the landed

property, has not been denied.

4. In the circumstances, we direct the respondents to pay the amount of compensation already determined, in furtherance of order passed by Division Bench of this Court on 22nd December, 2018, within three months from the date of this order and complete the process of acquisition of land.

5. According to the petitioner the possession of the landed property under acquisition has already been taken over.

6. In view of above discussion, the Writ Petition is disposed of.

(N. J. JAMADAR, J.)

(R. M. BORDE, J.)
