

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

WRIT PETITION NO. 10906 OF 2017

Vasant Manohar Marane & Ors. **... Petitioners**

V/s.

State of Maharashtra and Ors. **... Respondents**

Mr.Gaurav Potnis I/b Pallavi Potnis for the Petitioners.
Mr.A.I. Patel, Addl. G.P. for the Respondent Nos. 1 to 3.
Mr. D.D. Shinde for Respondent No.4.

**CORAM : R.M.BORDE, &
 PUSHPA V. GANEDIWALA, JJ.
DATE : 14TH FEBRUARY, 2019**

P.C.:

1. The grievance raised by the Petitioners in the instant Petition is that though a declaration was issued under Section 6 of the Land Acquisition Act in respect of 86 Ars land, however the Award was declared determining the amount of compensation only for the area to the extent of 50 Ars. It is contention of the Petitioner that he has received the compensation only for the area of 50 R, although the possession of 86 Ars land was taken over. The compensation for remaining area of 36 Ars was neither determined nor the petitioners were paid amount.
2. An affidavit of reply has been presented on behalf of Respondent Nos. 2 and 3 wherein it has been admitted that the

Award in respect of land belonging to the present petition under Section 11 of the Land Acquisition Act, 1894 was declared in respect of an area of 50 Ars, but actual acquisition of land is to the extent of 86 Ars and the possession of the said area has also been handed over to the Acquiring Body i.e. Executive Engineer, Bhama Aaskhed Division Pune. The State Government has asked Acquiring Body i.e. Executive Engineer, Pune to submit proposal of remaining area of 36 Ars so as to declare an award in respect of such additional area.

3. The Counsel appearing for Acquiring Body/Respondent No.4 on instructions from Mr. S.S. Atve, Sectional Engineer, Temghav Project states that the proposal for acquisition in respect of 36Ars land belonging to the Petitioners would be submitted to the Land Acquisition Officer / Sub Division Officer within a period of 8 weeks from today.

4. On receipt of the proposal from the Acquiring Body, the Sub Divisional Officer / Land Acquisition Officer shall in observance of the procedure prescribed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall determine the amount of compensation and declare the Award and thereupon the Acquiring Body as well as State Government shall pay the amount of compensation to the

Petitioners. The process of declaration of award and payment of compensation to Petitioners shall be completed within one year from the date of receipt of proposal for acquisition by the Land Acquisition Officer/Sub Division Officer.

5. With the directions of above, Writ Petition is disposed of.

(PUSHPA V. GANEDIWALA, J.)

(R.M.BORDE, J.)