

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

WRIT PETITION NO. 11502 OF 2019

Lakhusing Sonusing Naik and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Mr. Tushar M. Tandale, Advocate for the Petitioners.

Mrs. G. L. Deshpande, AGP for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 31st JANUARY, 2020.

PER COURT:-

1. Though notice before admission is served upon the respondent Nos. 4 and 5, none appears for respondent Nos. 4 and 5. Subsequently, notice of final disposal was issued to respondent Nos. 4 and 5. The notice of final disposal is also served upon the respondent Nos. 4 and 5, still none appears for respondent Nos. 4 and 5.

2. We have heard the learned counsel for the petitioners and the learned A.G.P.

3. It is contended that the notification under Section 4 of the Land Acquisition Act, 1894 was issued on 18.06.2013 but the further process was not continued and the notifications stood lapsed. The learned counsel for the petitioners submits that the Deputy Collector, Land Acquisition also intimated the acquiring body to file a fresh proposal on

07.10.2016, still the same is not complied with.

4. It is submitted that the possession of the petitioners land is already taken by the acquiring body.

5. Considering the fact that, earlier notification was issued and also directions are issued to the acquiring body by the Deputy Collector, Land Acquisition to submit the fresh proposal, we pass the following order.

6. In case, the possession of the land of the petitioners is taken and for which the notification under Section 4 of the Land Acquisition Act is earlier issued, the respondents shall take steps for acquisition as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'Act of 2013') and the notification under Section 11 of the Act of 2013 shall be issued expeditiously and preferably within a period of six (06) months from today. The proceedings shall be completed within the time stipulated under the Act of 2013.

7. Writ petition according is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.