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

17 WRIT PETITION NO.336 OF 2020

**VIJAY RAMSINGH CHAVAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**AND
WRIT PETITION NO.338 OF 2020**

**VISHAL ARJUN RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**AND
WRIT PETITION NO.377 OF 2020**

**RAMESH UDAYSING RATHOD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr D. A. Mane Advocate h/f Mr D. M. Pingale, Advocate for
petitioners;

Mr S. B. Yawalkar, A.G.P. for respondent Nos.1 to 3;

Mr S. S. Dande, Advocate for respondent No.4

CORAM : RAVINDRA V. GHUGE

AND

S. G. MEHARE, JJ.

DATE : 23rd August, 2021

PER COURT:

1. The petitioners have approached this Court on the foundation that lands notified as Class-1 in the revenue records are being treated as Class-2 lands and, therefore, 20% of the compensation amount is being withheld.

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2. The learned Advocate for the petitioners relies upon paragraph No.5 of the affidavit-in-reply filed by Shri. Swapnil Bharat More, Sub Divisional Officer and Land Acquisition Officer, Paithan-Phulambri, Headquarter Aurangabad, dated 09/03/2020, which reads as under :

“ I say and submit that, the contention about classification of land being incorrect, I say and submit that, land Gut No.523/2 being the granted government land, falls in the class II category and there is restriction to transfer the land by way of sale purchase transaction without the prior permission of the Government or competent authority. In this matter land has been transferred without permission which being irregular and illegal requires regularization and for regularization of such transfer 20% amount of land compensation and 10% amount as Nazrana has been deducted from the payment of land compensation has been deducted and remaining amount 70% has been paid to the landholders. Proposal of regularization of illegal transaction by petitioner is pending for decision.

I say and submit that, in this matter regularization of the illegal transaction of the Government land, a proposal has been submitted to the Collector, Aurangabad i.e. respondent No.2 of the said transaction vide respondent No.3 office letter dated 7.3.2015 Copies of the said proposal submitted herewith for kind perusal. This proposal is pending for decision. Therefore, till the decision on regular proposal 20% compensation amount held as un-earned income cannot be released to the petitioner. On receipt of the

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regularization order further action will be taken accordingly.”

3. In the light of the above, he submits on instructions, that these petitions can be disposed off. The competent authority – respondent No.2, would decide as to whether the lands could be treated as Class-1 lands.

4. Shri. Yawalkar and Shri. Dande, learned Advocates submit that if the lands are treated as Class-1 lands, amounts towards Nazrana will have to be deducted from the amount of compensation that has been retained by the competent authority and the remainder amount, if any, shall then be paid to the petitioners. The petitioners are agreeable.

5. In view of the above statement, these petitions are disposed off.

6. Needless to state, after the decision is taken by respondent Nos.2, the petitioners would be at liberty to take recourse to a remedy as is permissible in law, if any grievance subsists.

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7. Since we are informed that the said proposal is pending since 2015, we expect respondent No.2 to decide the said pending issue, as expeditiously as possible and in any case, on or before 30/10/2021.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk