

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.572 OF 2020
WITH WP/610/2020 WITH WP/609/2020

ANJANABAI AMBADAS CHAUDHARI PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.A.B.Kale, Advocate for the petitioner.
Mr.S.S.Dande, AGP for respondent Nos. 1 to 3.

(CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, JJ)

DATE : OCTOBER 8, 2021

PER COURT :

1. In all these petitions, the similarly situated petitioners comprise of the sellers/owners of the land and prospective purchasers who have entered into an agreement to sell with the owner. Most of them are before the Court upon being aggrieved by the refusal of the revenue authorities, vide the impugned orders in granting permission to sell/purchase the lands.

2. The learned AGP has placed before us a copy of the order dated 25/09/2020 issued by the District Collector, Jalgaon declaring the Gat

Numbers and the areas of land which are to be acquired since they would be submerged in the Minor Tapi Project, Padalse-Step-1. The said document is marked as X-1 for identification.

3. The learned AGP submits that the transactions proposed between the petitioners *inter se*, has to be scrutinized with due circumspection. This is a strategic move to create sale instances by hiking the prices astronomically and thereby create a record to be utilized at the time of quantifying compensation towards acquisition under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Based on such sale instances, a fictitious rise in the price of land would be created and the landlords, whose lands would be subjected to the acquisition proceedings, would gain an undue advantage.

4. The learned Advocate for the petitioners submits on specific instructions from his clients as under :-

[a] The agreements to sell are dated 03/09/2019 with regard to land Gat Nos.60/3, 60/1 and 60/2.

[b] After the agreement to sell has been signed between the parties,

they are unable to formalize the sale due to the impugned orders.

[c] The land owners undertake not to interfere with the acquisition process since they would be relinquishing their right, title and interest on the portion of the lands agreed to be sold.

[d] The purchasers would alone be entitled to receive the benefits of the acquisition process and the sellers would not claim a single rupee of compensation.

[e] All the petitioners as well as all sellers and purchasers connected with these 3 parcels of land, would not cite these sale agreements as sale instances in the acquisition proceedings and no benefit would be derived on the basis of such sale instances.

[f] The petitioners as well as the purchasers are tendering their individual affidavits in these respective cases thereby binding themselves to the above statements made.

5. In each of these 3 petitions, the sellers as well as the buyers/purchasers are producing their individual affidavits setting forth 5 conditions which will bind them as under :-

[a] In WP No.572/2020, such original undertakings/affidavits (9 pages) are placed on record, which are collectively marked as X-2 for

identification.

[b] In WP No.609/2020, such original undertakings/affidavits (7 pages) are placed on record which are collectively marked as X-3 for identification.

[c] In WP No.610/2020, such original undertakings/affidavits (10 pages) are placed on record which are collectively marked as X-4 for identification.

6. In view of the above, these petitions are partly allowed. The impugned orders set out in prayer clause “C” in each of these petitions, are quashed and set aside.

7. It is hereby directed that

(a) all the owners and purchasers in relation to lands Gat No.60/1, 60/2 and 60/3 shall be bound to their statements made before the Court and the conditions set out in their affidavits at X-2, X-3 and X-4.

(b) Under no circumstances, would any of these persons resile from their statements made and take a contrary stand.

(c) In the event, they do so, such conduct shall be treated as a fraud played on the Court and in which case, this Court would initiate

appropriate action, if it is brought to the notice of this Court.

(d) The 5 conditions set out in these affidavits would be inserted in the sale deeds as well as in the formal orders that would be passed by the revenue authorities granting permission to sell.

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)