

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

WRIT PETITION NO.2854 OF 2020

Gajanan Jagannath Bankar
VERSUS
The State Of Maharashtra And Others

AND
WRIT PETITION NO.3268 OF 2020

Pushpabai Shamrao Sable
VERSUS
The State Of Maharashtra And Others

AND
WRIT PETITION NO.3227 OF 2020

Shaikh Gulab Shaikh Ajiz
VERSUS
The State Of Maharashtra And Others

AND
WRIT PETITION NO.3272 OF 2020

Sandip Ramdas Jagtap
VERSUS
The State Of Maharashtra And Others

AND
WRIT PETITION NO.3226 OF 2020

Bhavrao Asaram Ghorpade
VERSUS
The State Of Maharashtra And Others

AND
WRIT PETITION NO.3225 OF 2020

Pandurang Kisan Waghmare
VERSUS
The State Of Maharashtra And Others

AND
WRIT PETITION NO.3269 OF 2020

Namdev Sitaram Tayde
VERSUS
The State Of Maharashtra And Others

AND
WRIT PETITION NO.3282 OF 2020

Sahebrao Chinkuba Jaival
VERSUS
The State Of Maharashtra And Others

AND
WRIT PETITION NO.2882 OF 2020

Baban Zhabu Rathod
VERSUS
The State Of Maharashtra And Others

...
Advocate for the Petitioners : Shri N.S. Shah
AGP for Respondents 1 to 5 : Shri S.B. Yawalkar
...

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

DATE :- 24th September, 2021

Per Court :-

1. We have heard the learned advocates for the respective sides. We have perused the affidavit in reply filed on behalf of respondent Nos.3 and 5, by Shri Atul Panditrao Chormare dated 21.09.2021. Paragraphs 7 and 8 of the affidavit read as under :-

- “7. I say and submit that, in all these group of petitions the acquiring body i.e. District Water Conservation Officer, Land and Water Conservation Office, Jalna, District Jalna is required to submit detailed and complete proposal of the Land Acquisition towards the office of Sub Divisional Officer -cum- Land Acquisition Officer, Bhokardan, District Jalna.
8. I say and submit that, since in all the above group of petitions possession of the land has already been taken and purpose of acquisition i.e. construction of percolation tank has already been undertaken, therefore, the Land Acquisition proceeding required to be concluded in view of the ratio laid down by the Hon’ble Apex Court in SLP (C) Numbers 9036-9038/2016 in the matter of Indore Development Authority versus Manoharlal and others etc. dated 6th March, 2020 and also in view of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.”

2. The grievance of the petitioners is that their agricultural lands, having different measurements, have been

taken in possession by respondent No.4/ acquiring body in and around 2006-2007. Some have lost smaller portions of land and few of the petitioners have also been rendered landless. No proceedings were initiated for acquisition and grant of compensation. As such, they have prayed that the lands which they have been dispossessed of by the acquiring body, should be acquired by following the due process of law laid down in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. The learned AGP, in the light of the affidavit in reply and especially the reproduced paragraphs as above, submits that respondent No.4 will have to forward the proposal to respondent No.3 and thereafter, the acquisition proceedings would be carried out and completed as per the provisions of the 2013 Act.

4. The learned AGP further submits that as the Section 4 notification has been issued in 2008, the view taken by the Honourable Supreme Court in SLP (Civil) No.9036-9038/2016 in the matter of ***Indore Development Authority vs. Manoharlal*** decided on 06.03.2020, would become applicable and the reservation will not lapse.

5. In view of the above, all these Writ Petitions are

disposed off with the following directions :-

(a) Respondent No.4 shall prepare proper proposal under the 2013 Act for acquisition of the lands at issue and forward it to respondent No.3/ District Collector, on or before 30.10.2021. No extension of time would be granted.

(b) Thereafter, the appropriate authority shall complete the acquisition proceedings and shall deliver the award on or before 31.10.2022 without seeking extension of time.

(c) In the event, the petitioners desire to seek advance compensation in the light of the Government Resolution dated 30.03.2016, they shall be bound by all the terms set out in the Government Resolution in the event they are paid such advance compensation.

kps

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)