

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

WRIT PETITION NO. 13312 OF 2017

Eknath Ashruba Mulak and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Abhijit B. Kale, Advocate for the Petitioner.

Shri K. N. Lokhande, A.G.P. for Respondent Nos. 1, 2, 4 and 5.

Mrs. R. D. Reddy, Advocate for the Respondent No. 5.

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

DATE : 02ND MARCH, 2021.

FINAL ORDER :

. At the request of the learned advocate for the petitioner leave to add the Public Works Department Division No. 2, Partur through its Executive Engineer as party respondent. The learned A. G. P. waives notice for the added party respondent.

2. From the perusal of the pleadings and affidavit filed on record, it appears that, the possession of the land of the petitioners is taken in the year 1994. The notification U/Sec. 4 of the Land Acquisition Act was published in the official Gazette on 13th October, 1992 and since then acquisition proceedings have not concluded as yet. The acquisition proceedings pursuant to the notification U/Sec. 4 of the Land Acquisition Act published in the year 1992 have also lapsed. The respondent No. 4 has agreed

to bear all the expenses and the amount of compensation to be paid to the petitioners. The affidavit filed by the respondent No. 5 is also expressing the same.

3. The contention of the respondent No. 5 is that, the acquisition proceedings should be initiated at the behest of the Public Works Department. The respondent No. 5 so also P.W.D. are the wings of the Government. The litigant is required to wait for the decades to get the amount of compensation, though the possession of his land has been taken away in the year 1994. It is high time, the authorities are sensitive to this aspect.

4. The right to property though is not a fundamental right, still is a constitutional right. A person cannot be deprived of his property save and except by due process of law.

5. It appears that, the respondents are protracting the acquisition proceedings. The amount of compensation is not paid and the respondents are enjoying the possession of the land. Such an approach needs to be deprecated.

6. The respondent Nos. 5 and 6/Public Works Department, Division No. 2, Partur shall coordinate amongst themselves and sent the proposal to the Government for acquisition of the land within a period of eight (08) weeks from today. The notification U/Sec. 11 of the Right to Fair Compensation and Transparency

in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for Short “Said Act”) shall be issued within a period of four (04) months from today and the further process of acquisition shall be completed and the award be passed within the time stipulated under the provisions of the said Act.

7. In the light of the above, the writ petition is disposed of.
No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/March 21