

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

41 **WRIT PETITION NO.6219 OF 2019**
WITH WP/6241/2019 WITH WP/6246/2019

KISAN SAKHARAM THETE AND OTHERS ..PETITIONERS
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS
..RESPONDENTS

...
Advocate for Petitioners : Mr. Shelke Manoj U.
AGP for Respondents no. 1,2, & 5: Mr. M.A. Deshpande
Advocate for respondent No.3 : Mr. K. B. Jadhavar
....

[CORAM : SUNIL P. DESHMUKH AND
ABHAY AHUJA, JJ .]

DATE : 15th February, 2021

ORDER

While petitioners contend that their lands were sought to be acquired for percolation tank according to the then prevailing Land Acquisition Act, 1894 and have been taken into possession, yet after few stages under said statute, no further progress in respect of acquisition could take place. As such, the writ petition is moved seeking direction for acquisition of the land pursuant to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. In affidavit reply filed on behalf of respondents No. 2 and 5 it has been stated that under letter dated 26-03-2015, from the Sub Divisional Officer, Majalgaon (Land Acquisition Branch) to the Executive Engineer, Minor Irrigation, Zilla Parisahd, Beed, the

Executive Engineer was requested to submit proposal in respect of land of the petitioners for necessary action as per new Land Acquisition Act, 2013 and reminders were issued to the acquiring body. However, till date the acquiring body has not submitted proposal.

3. Having regard to aforesaid, respondents no. 3 to 5 to move on pursuant to communication referred to above dated 26-03-2015 and others and submit a proper proposal and land acquisition proceeding be initiated in right earnest and be completed as early as possible preferably within a period of one year from the date of receipt of writ of this order.

4. Writ Petitions are accordingly disposed of.

[ABHAY AHUJA]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

YSK/