

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7622 OF 2020

Kailash Badriprasad Agrawal ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr D.S. Bagul, Advocate for Petitioner

Mr P.K. Lakhotiya, AGP for Respondent Nos. 1 to 6 and 11, 12

Mr R.R. Bangar, Standing Counsel for Respondent No. 9

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

DATE : 15th MARCH, 2021

PER COURT :

1. We have heard Mr Bagul, the learned counsel for the petitioner and the learned Assistant Government Pleader.

2. The petitioner seeks direction against the respondents to complete the land acquisition proceeding in respect of the land survey No. 379/2 and 380 situated at Mauje Nandurbar Taluka, Dist. Nandurbar.

3. The affidavit is filed by Sectional Engineer, P.W.D. Nandurbar. Para 8 of the affidavit reads thus -

8. I say and submit that, in pursuant to the direction issued by the office of Ld. Assistant Collector, Nandurbar and Desk Officer, Public Works Department, Maharashtra State dated 08th September, 2020, the joint measurement were done on 19th October, 2020 by the office of Deputy Superintendent, Land Record, Nandurbar and it appears that there is a difference of land actually acquired and the

land actually used for construction of road. It appears that, land admeasuring 15 R from Survey No. 379 and land admeasuring 24 R from Survey No. 380 is excessly affected in the said acquisition and for construction of road as such, in pursuant to the report prepared by the Deputy Superintendent of Land Record, Nandurbar the office of this deponent forwarded necessary proposal for acquisition of excess land i.e. land admeasuring 15 R from Survey No. 379 and land admeasuring 24 R from Survey No. 380 to the office of Ld. Collector, Nandurbar, Dist. Nadurbar. Copy of proposal forwarded by the office of deponent to the office of Ld. Collector, Nandurbar is annexed herewith and marked as Exhibit "R-1".

4. The affidavit-in-reply clearly suggests that the proposal is forwarded to the Collector for acquisition of excess land i.e. land admeasuring 15 R from Survey No. 379 and land admeasuring 24 R from Survey No. 380.

5. In view of that, we pass the following order :-

The respondent shall initiate the land acquisition proceedings as per Act of 2013 in respect of land Survey No. 286 expeditiously preferably within four months and complete it in accordance with the statute.

6. Writ Petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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