

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

WRIT PETITION NO.469 OF 2020

**AABASAHEB MOHAN RATHOD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

**AND
WRIT PETITION NO.475 OF 2020**

**TRIMBAK BALIRAM ANANDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

**AND
WRIT PETITION NO.492 OF 2020**

**BABAN RAMNATH KHADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

**Advocate for the Petitioners : Shri A.N. Nagargoje h/f Shri
Shingnapure Ravindra K.
AGP for Respondents 1 to 4 : Shri P.G. Borade**

...

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

DATE :- 16th September, 2021

Per Court :-

1. We have briefly heard the learned advocates

appearing for the respective sides. There is no dispute that the award has not been delivered though the lands were acquired by private negotiations on 10.09.2008, 05.03.2004 and 08.06.2007, respectively, for the purpose of construction of percolation tanks. Such tanks have already been constructed and are being utilized.

2. The learned AGP representing the respondent authorities submits that the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, “the 2013 Act”), would be applicable to this case. The learned advocate for the petitioners submits that if the respondents resort to private negotiations, the payment of compensation would occur within six months period. If this is not possible, they would have to follow the course as is prescribed in the 2013 Act and which has to be completed within one year.

3. In view of the above, these Writ Petitions are disposed off with the following directions :-

(a) Respondent No.4 shall initiate steps under the 2013 Act and the acquisition proposal shall be submitted to respondent No.2/ District Collector, Jalna, as expeditiously as possible and preferably on or before 30.10.2021. Thereafter, the procedure

laid down in the 2013 Act shall be followed and the award would be delivered on or before 31.10.2022.

(b) In the event of the respondents preferring the mode of private negotiations and such negotiations are fructified without much delay, we would expect the proceedings to conclude as expeditiously as possible and preferably on or before 31.07.2022.

kps

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)