

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3182 OF 2019

MADHAVRAO RAYAJI GAWARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.D.B.Gaikwad, Advocate for the petitioner.
Mr.S.C.Arora, Advocate for respondent Nos. 4, 5 and 6.
Mr.D.R.Kale, Government Pleader for State.

(CORAM : RAVINDRA V. GHUGE AND
S.G. DIGE, JJ.)

DATE : MAY 05, 2022

PER COURT :

1. The petitioner has put forth prayer clauses B, C, D and E, which read as under :-

"B. Record and proceedings be called for.

C. The respondent No.1 to 3 may kindly be directed or ordered by issuing in nature of writ that the proceeding initiated under the Land Acquisition Act 1894 by issuing notification dated 08.10.2013 of Land Acquisition issued by the Special Land Acquisition Officer, Aurangabad may be quashed and set aside and that the proceeding may be declared lapsed under section 24(2) of the Land Acquisition Act, 2013.

D. That, the respondent No.3 may kindly be directed or ordered that, the Land Acquisition Proceeding of the land of village Deulgaon Bazar,

Tq.Sillod, Dist. Aurangabad of the petitioners may be considered for determination of market value of compensation under the Right to Fair Compensation and Transparency, Land Acquisition, Rehabilitation and Resettlement Act 2013 and the compensation of land may be granted to the petitioners.

E. Pending hearing and final disposal of this writ petition the respondent No.3 may kindly be directed or ordered that the amount of advance compensation of Rs.15,00,000/- may be deposit in this Hon'ble High Court within four weeks from the date of the order of this Hon'ble Court.

OR

That, the respondent No.3 may kindly be directed to decide the representation dated 07.07.2016 as early as possible within a stipulated period of 2 months and declared the award under the Right to Fair Compensation and Transparency, Land Acquisition, Rehabilitation and Resettlement Act 2013."

2. We have considered the submissions of the learned Advocate for the petitioners, the learned AGP on behalf of the State and Mr.Arora, the learned Advocate on behalf of the Acquiring Body. The petitioner does not dispute that he entered into private negotiations with the Acquiring Body and thereafter executed a sale deed, which was registered. He was paid compensation as was stated in the sale deed. The sale deed is dated 24.09.2014.

3. At this stage, the learned Advocate for the petitioner submits on instructions that the petitioner desires to withdraw this petition and may avail of a remedy, if any, as may be permissible in law.

4. In view of the above, this petition is disposed off with liberty as is prayed for.

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)