

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

925 WRIT PETITION NO.6695 OF 2019

DNYANESHWAR NAMDEO KAITAKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

926 WRIT PETITION NO.6696 OF 2019

SATIRAM AHILAJI KHOD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.M.U.Shelke, Advocate for the petitioners.
Mr.D.R.Kale, Government Pleader for respondent Nos. 1 and 2.
Mr.U.S.Mote, Advocate for respondent Nos. 6 to 8.

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

DATE : MAY 05, 2022

PER COURT :

1. The petitioners in both the petitions have put forth their prayers in prayer clauses B to E, as under :-

"B. By issuance of writ of mandamus or writ or order or direction in like nature, to direct the respondent No.3 to 8 to prepare and submit the proposal in the office of respondent No.2 in respect of acquisition of agricultural lands belongs to the petitioners for construction of Katwatwadi Village Tank, Tq. and Dist. Beed; for that purpose issue

necessary directions.

C. By issuance of writ of mandamus or writ or order or direction in like nature, it be directed the respondent No.2 to initiate land acquisition proceeding and declare award of compensation of acquired land in accordance with the provisions of "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ; for that purpose issue directions.

D. By issuance of writ of mandamus or writ or order of direction in like nature, it be directed the respondents that, on declaration of Award and determination of amount of compensation, to pay the amount of compensation to the petitioners expeditiously ; for that purpose issue directions.

E. By issuance of writ of mandamus or writ or order or direction in like nature, direct the respondents to determine and to pay compensation of land as per market price and pay rental compensation of land and confer all other benefits for which petitioners would have entitle if land would have been taken in possession by following procedure prescribed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013."

2. The learned Advocate representing respondent Nos. 6 to 8, places before us a compilation of 6 pages, which are collectively marked as "X-1" for identification. He submits that the proposal has already been forwarded for acquisition under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,

2013 to respondent No.2 / District Collector, Beed.

3. The learned Government Pleader submits that the issue of any legal impediment be kept open as such proposals are normally concluded by an award within one year under the Act of 2013.

4. In view of the above, this petition is disposed off.

5. We expect respondent No.2 to follow the procedure laid down in the Act of 2013 and ensure that the award is delivered on or before 31.05.2023. Needless to state, the payment would be made expeditiously after the award is delivered.

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)