

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1623 OF 2019

BABURAO DEORAO SURASE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioner : Shri Adkine Sonaji K
AGP for the Respondents/ State : Mrs.M.A. Deshpande

...

CORAM : RAVINDRA V. GHUGE
&
S.G. DIGE, JJ.

DATE :- 28th March, 2022

Per Court :-

1. On 15.03.2022, this Court had passed the following
order :-

“1. *By this petition, the petitioner is challenging the inaction on the part of respondent Nos. 2 and 3 in not considering his representation, which shows that his land situated at village Karanjkheda, was acquired in the year 1997 for medium project. He was not satisfied with the compensation that was received, hence, he filed proceeding under Section 18 of the Land Acquisition Act, 1894 for enhanced compensation. The application was filed by the petitioner on 18-03-1997 with Special Land Acquisition Officer, Aurangabad. The file was received by the Office, however, the said file was not sent to the Civil Court for consideration of enhanced compensation amount. The petitioner has made representation by filing a reference in the year 1997. There is an endorsement that the said petition is received by the Office. Thereafter, the*

petitioner has sent reminders on 22-04-2016 and 29-10-2018. There is no reply. Finally, the Sub-Divisional Officer/Special Land Acquisition Officer has replied stating that the file is not traceable in the office of Land Acquisition Officer. It has been almost 24 years prayer to Sub-Divisional Officer for sending a reference to the Civil Court is pending.

2. *The learned AGP submits that in the event of cooperation of the petitioner, the Office would reconstruct the file at their own costs, in case it is missing and do the needful within a period of two weeks from today.*
3. *The learned Advocate for the petitioner submits that the petitioner would appear before the Special Land Acquisition Officer on 21st March, 2022 at 11.00 a.m. at Kannad and cooperate with the office for tracing out the file or reconstruct the same.*
4. *Stand over to 28-03-2022 for compliance.”*

2. In deference to the order passed, the hearing was conducted in which the petitioner has participated. The communication dated 24.03.2022 is addressed to the learned AGP by the Sub Divisional Officer-cum- Land Acquisition Officer, Kannad, stating therein that the proceedings would now be forwarded to the Civil Court within a short duration. The copy of the said communication is taken on record and marked as “X-1” for identification.

3. The learned advocate for the petitioner is satisfied and submits that this petition stands worked out.

4. In view of the above, this Writ Petition is disposed

off and we expect that the proceedings would be forwarded to the learned Civil Court within 45 days from today.

kps (S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)