

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

998 WRIT PETITION NO. 2375 OF 2022

SHESHRAO VENKATRAO SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. P.R. Katneshwarkar h/f
Mr. Shashikiran Nandkumar Patil
AGP for Respondents: Mr. S.P. Tiwari
...

**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 17th FEBRUARY, 2022

PER COURT :-

1. Mr. Katneshwarkar, learned Advocate for the petitioner submits that petitioner filed an application to pass an award in the name of petitioner and to pay compensation. The petitioner's land is being acquired. The petitioner has filed an application. The enquiry was directed to be conducted by the Sub-Divisional Officer, but again notice is issued to other persons and not to the petitioner.

2. On 31-01-2022 the notice has been issued by the Sub-Divisional Officer/Land Acquisition Officer, Nilanga under Section 21 of the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short "Act of 2013"). After the notice under Section 21 of the Act of 2013, the petitioner has got every right to raise objection and demonstrate his interest and/or claim. Section 21 prescribes for publication of notice stating that the Government intends to take possession of the land, and that claims to compensations and rehabilitation and resettlement for all interests in such land may be made to him. Sub-section (2) to Sub-section (5) of

Section 21 of the Act of 2013 provides the procedure of referring the statement to be made in writing and signed by the party. Section 22 of the Act of 2013 further imposes obligation on the person to make statement containing so far as may be practicable, the name of every other person possessing any interest in the land. Under Section 23 of the Act of 2013, the Collector has to proceed to enquire into the objections, if any, which any person interested has stated pursuant to a notice given under Section 21 of the Act of 2013, the same has to be decided.

3. The petitioner has earlier raised objection, petitioner may again raise objection to the said notice. The authority has to consider the objections on its own merits and consider the stand of all parties, documents on record, the representations, earlier decisions by adhering to the provisions of Sections 21 and 22 of the Act of 2013.

4. In view of above, at this stage, it is not necessary to consider the petition on merits. Writ Petition is disposed of accordingly. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE