

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2351 OF 2018

Ganesh Sahebrao Munde
and six others

PETITIONERS

VERSUS

The State of Maharashtra
and three others

RESPONDENTS

Mr. Deepak M. Kakade, Advocate for the petitioners
Mr. S.P. Tiwari, A.G.P. for the respondents/State
Mr. B.A. Shinde, Advocate for respondent No.4

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

DATE : 07.01.2022

PER COURT :

We have heard the learned counsel for the petitioners, learned counsel for the Acquiring Body and the learned A.G.P.

2. The undisputed fact appears to be that the land of the petitioner, admeasuring approximately 3 Hectares 21 Ares, was taken in possession by the respondents for construction of percolation tank.

3. The parties had entered into private negotiation. The respondents agreed to pay an amount of Rs.20,00,151/-. The petitioner

also agreed to accept it. The same was in the month of November, 2014. It appears that subsequently the petitioner in December, 2015 gave a letter to the effect that the said compensation amount is not agreeable as the amount paid to them was not as was paid to the other persons a year back. Admittedly, the respondents till the year 2017 did not pay the amount of compensation. The sanction, it appears, was received by the Acquiring Body by the Collector in the year 2017. The petitioners were not agreeable for the amount on the said date as the amount of compensation was not paid for more than three years.

4. The sale-deed is also not executed between the parties. The petitioners are not agreeable for the sale price.

5. In light of the above, it would be imperative for the respondents to take up the acquisition proceedings in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ("the Act of 2013", for short).

6. In light of above, the Acquiring Body shall forward the proposal for acquisition of the petitioners' land taken in possession by it for construction of percolation tank. The said proposal shall be forwarded preferably within three months by the Acquiring Body.

7. The proposal shall be thereafter commenced for acquisition under the provisions of the Act of 2013 preferably within six months from

today and the same shall be completed within the period stipulated under the Act of 2013.

8. The valuation of the property shall be made as per the value of the land in the year 2013 i.e. the date when the possession of the petitioners' land was taken.

9. Writ Petition is accordingly disposed of. No costs.

[S.G. DIGE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

npj/WP2351-2018