

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**903 CIVIL APPLICATION NO.2999 OF 2022
IN WP/8766/2019 WITH WP/8766/2019**

**THE DISTRICT COLLECTOR BEED AND OTHERS
VERSUS
TULSHIRAM TOLAJI BATULE AND OTHERS**

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AGP for Applicants : Mr. S.R. Yadav-Lonikar
Advocate for Petitioners in WP : Mr. M.U. Shelke
Advocate for Respondent No.3 in WP : Mr. R.J. Nirmal

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**CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, J.J.**

DATED : 02nd MARCH, 2022

PER COURT:-

1. On 09.02.2022, this Court had passed the following order:-

“1. Respondent no.2 is directed to comply with the requisition made by respondent no.3 by it's communication dated 03.08.2018 (page no.24 of the petition) within a period of three weeks from today.

If the respondent no.2 is having any reservation in complying with the said requisition, in that event, the respondent no.2 is directed to deposit the said amount of award in the Registry of this Court within the same stipulated period.

2. Stand over to 02.03.2022.”

2. A host of factors are being canvassed by the learned AGP on behalf of the applicants and his thrust is on the fact that the award

dated 21.06.2018 delivered under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, is de hors the law and the rules. He tries to clarify that though the 2013 Act has been referred to, not only in the body of the award but even in the title of the award, the said award is not under the new act, but is under the Government Resolutions dated 12.05.2015, 30.09.2015 and 25.01.2017.

3. The learned advocate for the petitioners submits that the lands were acquired in 2003 and the possession was taken away in 2004. For the last 18 years, they are begging for their compensation amount.

4. We are shocked by the conduct of the competent authority in relation to the acquisition of the lands of these petitioners. It is not only an irony, but a travesty of justice. The possession of the lands have been taken in 2004 and to the extent of the acquisition, these farmers have become landless and are not paid their compensation amount for 18 years by those officers who are responsible for the expeditious distribution of the compensation amount.

5. Though the learned AGP attempts to indicate that several officers may have committed mistake, at this juncture we are not concerned with the mistake that they have committed for the reason that we are worried and pained by the state of affairs due to which

these farmers have not been given their compensation for the last 18 years. The amount is only Rs.27,87,391/-.

6. Considering the above, we are not inclined to accept the request of the learned AGP to recall the order dated 09.02.2022. The civil application is disposed off with a further direction, in the light of the contention of the learned advocate for the acquiring body that the money has to be paid by the District Collector, Beed, that the District Collector shall deposit the said amount in this Court by 10.03.2022 with interest, failing which the District Collector shall personally remain present in the Court on 11.03.2022. We make it clear that normally we are not inclined to summon officers to the Court, but for the fact that in this matter the conduct of the officers concerned with the acquisition have compelled us to pass this order.

7. Stand over to 11.03.2022.

(S.G. MEHARE. J.)

(RAVINDRA V. GHUGE, J.)