

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

**11 CONT. PETITION NO.219 OF 2022
IN WP/2861/2017**

**BALAJI HARI AHENKARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.N.J. Patil, Advocate for the petitioner.
Mr.S.G. Sangle, AGP for the respondent/State.
Mr.V.P. Patil, Advocate for respondent No.4.

**CORAM : RAVINDRA V. GHUGE &
 ANIL L. PANSARE, JJ.
DATED : 11.07.2022**

PC :-

01. An affidavit in reply has been filed on behalf of respondent No.4. It is stated that the Municipal Council, Omerga should have submitted the proposal. The funds are made available for payment of the compensation to the petitioner. However, as the Municipal Council, Omerga has not forwarded the proposal, respondent No.4 – the Executive Engineer, Maharashtra Jivan Pradhikaran, is practically helpless.

02. The learned Advocate for the petitioner has not arrayed the Chief Officer, Municipal Council, Omerga, as a respondent. Nonetheless, the

learned AGP submits that anticipating that the Municipal Council has a role to play, he contacted the Sub-Divisional Officer, Omerga and has collected instructions from Mr. Ganesh Pawar, SDO, Omerga, who is a Special Land Acquisition Officer, that he would deliver an award in view of the scheme enshrined under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. He further adds that the scheme provides one year time, from receipt of the proposal, to deliver the award.

03. The learned Advocate for the petitioner submits, on instructions, that the petitioner is satisfied.

04. In view of the above, this petition is disposed off by recording the statement made, as follows :-

- a) The Sub-Divisional Officer – Mr. Ganesh Pawar, shall ensure that a proposal from the Chief Officer, Omerga would reach his office within 15 days.
- b) Thereafter, he would follow the scheme as set out in the 2013 Act and the award will be delivered within one year from the date of receipt of the proposal.

[ANIL L. PANSARE,J.]

[RAVINDRA V. GHUGE,J.]