

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

922 WRIT PETITION NO.4574 OF 2019

SANGITA VITHAL BOMBLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND
923 WRIT PETITION NO.4575 OF 2019

NATH GANGARAM BOMBLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.D.B.Gaikwad, Advocate for the petitioner.
Mr.D.R.Kale, Government Pleader for respondent Nos. 1 to 5.

**(CORAM : RAVINDRA V. GHUGE AND
S.G. DIGE, JJ.)**

DATE : MAY 05, 2022

PER COURT :

1. On 11.04.2019, this Court had passed the following order :-

- "1. Issue notice to the respondents, returnable on 10.06.2019.*
- 2. Learned AGP waives service of notice on behalf of respondents.*
- 3. The Collector, Aurangabad is directed to inform the learned AGP as to whether compensation was paid to the petitioner for the land acquired or not."*

2. The grievance of the petitioners is voiced in both the petitions in

prayer clauses B, C, D, E, F and G, which read as under :-

"B. By an order of this Hon'ble Court, hold and declare that the land acquisition proceeding initiated pursuant to Section 4 Notification dated on 30/12/2005 concerning to the petitioner agriculture land has been lapsed.

C. By issuing appropriate writ, directions or orders in the like nature, and notification dated on 05/05/2009 issued by the respondent No.3 acquiring land of the petitioner may kindly be quashed and set aside for that purpose issue necessary orders.

D. By issuing appropriate writ, directions or orders in the like nature, respondent No.3 may kindly be directed to pass fresh award by determining the compensation as per the provision of right to fair compensation and Resettlement Act, 2013 and for that purpose issue necessary orders.

E. By an order of this Hon'ble Court, direct the respondent/authorities to made fresh award as per the today's market rate of the petitioner acquired land.

F. By issuing appropriate writ, directions or orders in the like nature, respondent No.3 may kindly be directed to pay rental compensation of acquired land from year 2005, as per the provision of said Act and for that purpose issue necessary orders.

G. By an order of this Hon'ble Court issue appropriate directions to the respondents/authorities so as to alternatively return the possession of the agriculture land bearing Gut No.150/3 situated at village Rahtgao, Tq.Paithan, Dist. Aurangabad to the present petitioner."

3. An affidavit in reply has been filed by the Deputy Collector, Land Acquisition, Jayakwadi Project dated 26.07.2019 setting forth in paragraph Nos. 7, 8 and 9 as under :-

"7. I further say and submit that, however, the final land acquisition award u/s 11 of the Land Acquisition Act, 1894 could not be declared until 01.01.2014 i.e. on the date the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 came into operation and execution.

8. I further say and submit that, after the implementation of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the earlier land acquisition proceedings in respect of the land of the petitioner stood lapsed and accordingly, the respondent No.3 vide letter dated 06.09.2016, 19.07.2019 had asked the respondent No.5 to submit a fresh land acquisition proposal in respect of the land of the petitioner, so that the same could be decided in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The copies of the said letters dated 06.09.2016 and 19.07.2019 are annexed herewith and marked as Exhibit "R-5" collectively.

9. I further say and submit that, if the respondent No.5 submits a comprehensive land acquisition proposal in respect of the land of the petitioner, the same shall be decided by the respondent Nos. 2 and 3 in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 within a stipulated time period."

4. In view of the above, these petitions are disposed off with a direction to respondent No.5 to submit the fresh proposal on or before 30.06.2022, to respondent No.2. Thereafter, the concerned authorities would abide by the provisions of the Act of 2013, which prescribes a period of one year to complete the proposal.

5. Subject to any impediment for which we keep the said issue open, the proceedings under the Act of 2013 would be concluded on or before 31.05.2023.

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)