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

5 WRIT PETITION NO.5110 OF 2022

**KAMALBAI SHESHARAO DHAKANE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WITH
WRIT PETITION NO.5113 OF 2022**

**SHANTABAI MAROTI CHATE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WITH
WRIT PETITION NO.5272 OF 2022**

**BABASAHEB KARABHARI SANGALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr S. N. Lute, Advocate for petitioners;
Mr A. R. Kale, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 20th June, 2022

PER COURT:

WRIT PETITION NO.5110/2022

1. In this matter, the petitioners' claim is regarding Sonadev Percolation Tank No.5, situated in Village Sonadev, Tq. and Dist. Jalna. The percolation Tank No.5 is now constructed in land Gut

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No.415. The land of the petitioners admeasuring 1.21 Hectors was acquired on 17/01/2008. The 7/12 extract with regard to land Gut No.415 indicates the names of the petitioners as the title holders.

2. With this background, the learned Advocate for the petitioners draws our attention to a statement which is required for payment of land compensation (undated), signed by the Sectional Engineer, Sub Divisional Officer, Minor Irrigation (L.S.) Sub Division, Jalna and the Executive Engineer, Minor Irrigation (L.S.), Jalna. Apparently, this is with regard to Sonadev Percolation Tank No.5. The Demarcation Certificate (सिमांकन) also indicates that the Sonadev Percolation Tank No.5 is in Gut No.415.

3. The learned Advocate for the petitioners draws our attention to a joint measurement (undated), prepared by the Taluka Inspector, Land Records, Jalna, mentioning the names of the petitioners as the possessors of the land Gut No.415, admeasuring 1.21 Hectors.

4. The petitioners have tendered an application to the respondents, dated 28/02/2022, by which, the grievance has been

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voiced that the compensation has not been paid for the past 15 years and now the petitioners should be paid compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the 2013 Act').

5. In view of the above, this petition is disposed off.

6. We direct respondent No.2 - District Collector, Jalna, to initiate appropriate steps to firstly, verify and confirm that the lands of the petitioners has been utilized for the Sonadev Percolation Tank No.5 and then to issue appropriate directions to the acquiring body to tender a proposal under the 2013 Act, within eight weeks from today. Thereafter, the Collector shall initiate acquisition proceeding so as to facilitate the passing of the award and ensure payment of compensation within the period, as is prescribed under the 2013 Act.

WRIT PETITION NO.5113/2022

7. This matter is identical to Writ Petition No.5110/2022. The Gut No. is also 415. However, the Sonadev Percolation Tank is No.8.

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8. Considering the same, this petition is disposed off. We are issuing the following identical directions as like in Writ Petition No.5110/2022 :-

a) Respondent No.2 - District Collector, Jalna, to initiate appropriate steps to firstly, verify and confirm that the lands of the petitioners has been utilized for the Sonadev Percolation Tank No.8 and then to issue appropriate directions to the acquiring body to tender a proposal under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the 2013 Act'), within eight weeks from today. Thereafter, the Collector shall initiate acquisition proceeding so as to facilitate the passing of the award and ensure payment of compensation, within a period of one year, as is prescribed under the 2013 Act.

WRIT PETITION NO.5272/2022

9. The petitioner is of the impression that his land in Gut No.117 at Village Malegaon (Khurd), Tq. and Dist. Jalna, admeasuring 3.15 Hectors, has been acquired on 01/05/2007. It is further stated that, no compensation has been paid to him. On 07/03/2022, he has filed an application under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

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10. The learned A.G.P. submits on instructions urgently acquired, that there is no acquisition proceeding in relation to the petitioner's land and there is no public project undertaken.

11. In view of the above, this petition is disposed off, with a direction to respondent Nos.3 and 4, to consider the representation dated 07/03/2022 and offer their response on the grounds put forth by the petitioner. Such response shall be accompanied with reasons and a copy of the same shall be served upon the petitioner expeditiously. We expect the said exercise to be completed on or before 30/08/2022.

12. Since Writ Petition No.5272/2022 involves a similar situation and the contention of the petitioner is that his land has been acquired in 2008, which is contradicted by the learned A.G.P. on instructions, we make it clear that, if the authorities come to a conclusion while considering the representation dated 07/03/2022, that the percolation tank No.8 does exist in Gut No.117, the directions issued in Writ Petition No.5110/2022 and 5113/2022, would be similarly applied in this case, save and except in the event, the predecessors of the petitioners have already been paid compensation under the earlier Land

Acquisition Act, 1894.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)

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