

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

WRIT PETITION NO. 4477 OF 2022

1. Jagannath S/o Vishwanath Upase,
Age : 48 Years, Occu. : Agril.,
R/o Hipparga Rava, Tq. Lohara,
Dist. Osmanabad.
2. Santosh S/o Vishwanath Upase,
Age : 44 Years, Occu. : Agril.,
R/o Hipparga Rava, Tq. Lohara,
Dist. Osmanabad. .. Petitioners

Versus

1. The State of Maharashtra,
Through District Collector, Osmanabad.
2. The Executive Engineer,
Public Works Division,
Osmanabad.
3. The Deputy Engineer,
Public Works Sub Division,
Lohara, Tq. Lohara,
Dist. Osmanabad. .. Respondents

Shri Pravin B. Rakhunde, Advocate for Petitioners.
Shri K. N. Lokhande, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : R. D. DHANUKA AND
ANIL L. PANSARE, JJ.
DATE : 07TH JUNE, 2022.**

ORAL JUDGMENT (Per R. D. Dhanuka, J.) :-

. Rule. Rule made returnable forthwith. The learned Assistant Government Pleader waives service of rule for

respondent Nos. 1 to 3. With the consent of parties taken up for final hearing.

2. By this petition filed under Article 226 of the Constitution of India, the petitioners seek writ of mandamus against the respondent authorities to initiate acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in respect of property described in prayer clause 'C' of the petition. The petitioners have also prayed for writ of mandamus to direct the respondent No. 1 to decide and consider representation dated 31st March, 2022 submitted by the petitioners within stipulated time.

3. The learned counsel for petitioners pressed the prayer clause "E" only.

4. We accordingly direct the respondent No. 1 to decide the said representation dated 31st March, 2022 made by the petitioners within a period of eight (08) weeks from today, if not already decided. If the order has been passed by the respondent No. 1, then the respondent No. 1 shall communicate the order to the petitioners within a period of one week from today. If the representation of petitioners is allowed, the respondents shall take steps for acquisition of the land of the petitioners by initiating acquisition proceeding and complete the same in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition,

Rehabilitation and Resettlement Act, 2013 and if the representation of the petitioners is rejected, the petitioners are at liberty to file such proceedings as are permissible in law. It is made clear that, this Court has not expressed views on the merits of the contentions of the parties. The contentions of the parties are kept open.

5. Rule is made absolute in above terms. No order as to costs.
6. The parties to act on authenticate copy.

[ANIL L. PANSARE, J.]

[R. D. DHANUKA, J.]

bsb/June 22