

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6572 OF 2022

Karbhari S/o Haribhau Sanap & others

Petitioners

Versus

The State of Maharashtra & others

Respondents

Mr. S. B. Bhosale, Advocate for the petitioner.

Mr. S. G. Karlekar, AGP for all the respondents.

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

DATE : 30th JUNE, 2022.

PER COURT :

1. The petitioners have put forth prayer clauses 'C' and 'D' as under :-

C) This Hon'ble Court may be pleased to issue appropriate writ, order or directions against the respondents thereby directing them to pay compensation to the petitioners for their acquired land for construction of Village Storage Tank constructed at village Ghatsil Pargaon, Tq. Shirur (K), Dist. Beed.

D) This Hon'ble Court may be pleased to issue appropriate order or directions against the

respondents, directing them to pay rental compensation to the petitioner from 01.02.2004 (date of physical possession of the acquired land of the petitioners) till passing of award with interest.

2. The learned AGP appears on behalf of all the respondents.

3. It has been specifically contended by the petitioners that their land has been acquired and they have been dispossessed from 1st February, 2004. The possession certificate is on record. The project completion certificate is also on record as the percolation tank has been constructed. However, the compensation has not been paid.

4. Respondent Nos. 3 and 4 have prepared an inspection note in which the above factors are admitted and at Serial No. 14, it is stated that the land acquisition proceedings will have to be initiated under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. A proposal has also been submitted and the same is stated to be pending with the District Collector.

5. In view of the above, this petition is disposed off with a direction to the respondent No. 3 to consider this issue with promptitude and ensure that a proposal is prepared within two months from today. Needless to state, the acquisition proceedings would be undertaken and completed within twelve months thereafter in the light of the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and an award be declared.

(ANIL L. PANSARE)
Judge

(RAVINDRA V. GHUGE)
Judge

dyb