

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

WRIT PETITION NO.8890 OF 2022

**JAGANNATH SAHEBRAO CHAVAN AND OTHERS
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS**

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Advocate for the Petitioners : Shri Shirsath Suhas R.
Standing Counsel for Respondents 1 and 3 : Shri Madhur A.
Golegaonkar

AGP for the Respondents/State : Shri S.G. Sangle
Advocate for Respondents :

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**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 10th October, 2022

Per Court :-

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

“(B) By issuing writ of mandamus or any other appropriate writ, order or direction, the respondents may kindly be directed to undertake the exercise of determination of compensation payable to the petitioners for acquired land area in Block No.62 situated at village Tippatwadi, Taluka and District Beed, under the provisions of right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013;

(C) By issuing writ of mandamus or any other appropriate writ, order or direction, the respondents may kindly be directed to determine the quantum of compensation as per market value under the provisions of the Act of 2013 alongwith interest @ 18% p.a.;

(D) Pending hearing and final disposal of this Writ

Petition, the respondents may kindly be directed to re-measure the actual acquired area of land of petitioners in their presence before determining compensation and submit the report in this Hon'ble Court;

(E) Pending hearing and disposal of this Writ Petition, the respondents may kindly be prohibited from carrying-out any work laying of railway line or whatsoever in any portion of the land owned by the petitioners in block No.62 situated at village Tippatwadi, Taluka and District Beed;”

2. We have considered the submissions of the learned advocate for the petitioners, the learned Standing Counsel for the acquiring authority and the learned AGP on behalf of the State.

3. We clarify, at this stage, that we are not creating any embargo on the project work that has been undertaken and there shall be no hindrance to the project work.

4. We have perused the affidavit in reply filed by Bharati Annasaheb Sagare, Deputy Collector, Land Acquisition, Jaikwadi Project, Beed, dated 25.07.2022 and especially paragraphs 3, 4 and 5, which read as under :-

“3. *I say and submit that the petitioners further also prayed to remeasure the land and accordingly entry of their names be taken in the award. Copy of letter dated 06.04.2022 is annexed and marked as Exhibit R-1.*

4. *I say and submit that pursuance to above letter dated 06.04.2022, this deponent by letter dated 20.06.2022 directed the Dy. S.L.R. Beed to carry out measurement as per objections received and to submit report. Copy of*

communication dated 20.06.2022 is annexed and marked as Exhibit R-2.

5. *I say and submit that after receipt of the Joint Measurement Report from Dy. S.L.R. Beed further procedure will be followed and action will be taken accordingly.”*

4. Along with the affidavit, the communication addressed by the Competent Authority-cum- Deputy Collector, Land Acquisition, dated 20.06.2022 addressed to the Deputy Superintendent of Land Records, Beed, is annexed, wherein, it is also categorically stated that after the joint measurement is done, the final decision would be arrived at under Section 3(G) of the National Highways Act.

5. The petitioners are satisfied if the above exercise is completed within the prescribed period of time.

6. In view of the above, this Writ Petition is disposed off.

7. We expect the concerned authorities to take appropriate steps and more particularly in the light of the communication dated 20.06.2022 and complete the said process, on or before 31.03.2023.