

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

917 WRIT PETITION NO.423 OF 2021

RAJENDRA DEVRAO JANJAL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. D.R. Jaybhar, Advocate for the petitioners.
Smt. R.P. Gaur, A.G.P. for respondent Nos.1 to 3 and 6.
Mr. S.G. Sangle, Advocate for respondent Nos.4 and 5.

...

CORAM : **RAVINDRA V. GHUGE AND
SANDIPKUMAR C. MORE, JJ.**

DATED : 07-06-2022.

P.C. :

1. All these petitioners alongwith Vishwas Devrao Janjal were the petitioners before us in Writ Petition No.13763 of 2018. By a detailed order dated 30th January, 2020 in Civil Application No.1118 of 2020, the petitioners were granted liberty to avail of an appropriate remedy for grant of enhanced compensation. The directions issued by this Court under paragraph 14 in the said order are as under :

“14. Hence, we disposed of the petition with the following directions :-

(a) At the time of taking possession of the lands of the petitioners, the respondents/authorities shall draw a panchnama. The petitioners have already been intimated by way of notice to remain present at the time of taking the possession.

- (b) The Tahsildar, Soygaon, shall see that the panchnama shall bear the signatures or thumb impression of the petitioners. The Tahsildar may also videograph the exercise of drawing panchnama and maintain the record thereof.*
- (c) We direct that the petitioners shall co-operate the respondents/authorities in the exercise of taking possession of the lands. They shall not create any hurdle or object in the process of taking possession peacefully by the respondents/authorities.*
- (d) The petitioners would be at liberty to avail of the appropriate remedy for grant of enhanced compensation, if they are aggrieved of compensation awarded to them and if so advised, they may approach the competent forum including any judicial forum.*
- (e) Needless to state that if such claim is made, the respondents are not prevented to raise their counter submissions to the claim.*
- (f) In view of disposal of the Writ Petition, no orders are required to be passed on Civil Application.*
- (g) Learned AGP to communicate gist of this order to the respondents/authorities.*
- (h) Authenticated copy of this order be provided to learned AGP”.*

2. The petitioners have moved an application before the Competent Authority under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Without awaiting

the outcome of the said application, the petitioners have rushed to this Court seeking grant of compensation for the trees which are visible on account of panchnamas dated 30-01-2020 and 01-02-2020. It is informed that the said application has been rejected in May 2022.

3. In view of the above, this petition is disposed off with liberty to the petitioners to assail the order rejecting their application under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, purportedly on the ground of delay. All contentions are kept open including the claim for compensation towards the trees as are visible from the panchnamas dated 30-01-2020 and 01-02-2020.

(SANDIPKUMAR C. MORE, J.)

(RAVINDRA V. GHUGE, J.)