

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 WRIT PETITION NO.7571 OF 2022

SANTOSH SHIVNATH BADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

...
Advocate for Petitioners : Mr. Bhosle Santosh B.
AGP for Respondent Nos.1 to 4-State : Mr. S. K. Tambe
Advocate for Respondent Nos.5 and 6 : Mr. S. C. Arora
...

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 25th August, 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 Tank No.6 Manur (Bahirwadi) Tq.Shirur (Kasar) 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 16.02.2008 (date

of physical possession of the acquired land of the petitioners) till passing of award with interest.

2. We have considered the submissions of the learned Advocates for the respective sides. It is undisputed that the writ lands bearing Gut /Survey Nos.593, 594, 598 and 599, situated at village Manur (Bahirwadi) Tq.Shirur (K) Dist.Beed, were acquired on 16/02/2008.

3. We have perused the communication dated 19/06/2020, issued by the Sub-Divisional Officer-cum-Land Acquisition Officer, Beed, addressed to respondent No.5 wherein it has been clearly stated that a proposal was prepared under Section 52 (2) read with 3 (a) of the erstwhile Land Acquisition Act, 1894. After issuance of the notices under Section 4 (1), the process was undertaken under Section 9 (3). After the notice under Section 9 (3) were distributed, no further steps were taken in a period of two years, and therefore, the reservation lapsed. Respondent No.5, therefore, was informed by the said communication that as the new Land Acquisition Act, 2013 has been brought into effect from 01/01/2014, a fresh proposal will have to be forwarded by respondent No.5 within 30 days so as to initiate steps for land acquisition under the Act of 2013.

4. Considering the above, we are of the view that respondent No.5 will have to forward a proposal within a time frame and the authorities concerned will have to follow the procedure laid down under the 2013 Act and complete the proceedings within one year.

5. The learned Advocate for the petitioner submits that a time frame may be granted by this Court so as to avoid any further loss of time keeping in view that the physical possession of their agricultural lands has already been taken on 16/02/2008.

6. In view of the above, this petition is disposed off with the following directions :-

(A) Respondent No.5 shall prepare a proposal for acquisition and ensure that the proposal reaches the competent authority, which is the District Collector, on or before 30/11/2022. We would not grant any extension.

(B) The concerned authorities would ensure that the proceedings are concluded under the 2013 Act, on or before 30/11/2023, by passing an order, and the compensation amounts are paid to the petitioners immediately thereafter.

7. The internal aspects as regards the acquiring body depositing a part or full amount, under Section 19 of the 2013 Act, is left to respondent No.5 and the District Collector to be sorted out strictly in accordance with law and without wastage of time.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

vjg/-.