

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6895 OF 2019

RAMESHWAR VISHWANATH WAKHRE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.A.S.Gandhi h/f Mr.P.S.Mehta, Advocate for the petitioner.
Mr.D.R.Kale, GP for respondent Nos. 1, 2, 3 and 5.

(CORAM : RAVINDRA V. GHUGE AND
S.G. DIGE, JJ.)

DATE : MAY 05, 2022

PER COURT :

1. Heard the extensive submissions of the learned Advocate for the petitioners, Mr.Gandhi.

2. Since a short issue is involved, we are disposing off this petition.

3. The petitioners have put forth prayer clauses B & C as under :-

"B. By issuing writ of mandamus or any other appropriate writ, directing the respondents to initiate the proceedings for acquisition as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and pay the amount of compensation to the petitioners for their land bearing Gut

No.974 and 979 situated at village Kanhori, Tq.Phulambri, Dist.Aurangabad which are acquired for the purpose of pecculation tank No.2 at village Kanhori, Tq.Phulambri, Dist. Aurangabad.

C. Pending hearing and final disposal of this writ petition, by issuing writ of mandamus or any other appropriate writ, directing the respondents may be directed to pay the amount of compensation to the petitioners for their land bearing Gut No.974 and 979 situated at village Kanhori, Tq.Phulambri, Dist.Aurangabad which are acquired for the purpose of pecculation tank No.2 at village Kanhori, Tq.Phulambri, Dist.Aurangabad."

4. In view of the Act of 2013, respondent No.4 will have to forward the proposal to respondent No.2. The learned Government Pleader appears for respondent No.4.

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

[a] Respondent No.4 would forward the proposal for acquisition under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to respondent No.2 / District Collector, in the event the same is not yet forwarded, on or before 15.07.2022.

[b] The District Collector/Respondent No.2 would abide by the

procedure laid down under the Act of , 2013 and ensure that the award is delivered on or before 31.07.2023.

[c] Needless to state, payment of compensation would be made to the petitioners expeditiously.

[d] In the event of any legal impediment, we keep the said issue open.

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)