

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7731 OF 2022

ADINATH LIMBAJI NAVALE AND OTHERS
VERSUS
THE DISTRICT COLLECTOR / EXECUTIVE MAGISTRATE AND OTHERS

Mr.Sachin Deshmukh, Advocate for the petitioners.
Mr.S.K.Tambe, AGP for respondent Nos. 1 and 3.
Mr.S.G.Sangle, Advocate for respondent No.2.

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

DATE : JULY 26, 2022

PER COURT :

1. Issue notice to the respondents. The learned AGP waives service of notice on behalf of respondent Nos. 1 and 3. Mr.Sangle, the learned Advocate waives service of notice of behalf of respondent No.2.

2. The petitioners have put forth prayer clause 'B', which reads as under :-

"B. By issuing a writ of mandamus or any other appropriate writ, order or direction in the like nature, the respondent authorities be directed to decide the representation dated 10.01.2022 presented by the petitioner, seeking determination of the amount of compensation in

conformity with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013."

3. The learned AGP has strenuously canvassed that an award bearing No.RS6RIX/55/1957 was passed in 1957 and the land of the petitioner was included. In 1963, the land of the petitioners to the extent of 3 acres and 63R came to be acquired and possession was taken. Draft award came to be issued on 09.07.1964 and the valuation was shown at Rs. 66,362/- . The learned Advocate for the petitioners submits that these documents have been acquired by him under the Right to Information Act. He further submits that the memorandum was prepared by the Revenue and the Forest Department on 24.07.1965 by which the Under Secretary to the Government of Maharashtra, Revenue Department dealt with the status of the land and certain instructions were issued to re-submit the draft award. The land of the petitioners used to yield the grapes crop. Till today, according to the petitioners, compensation has not been paid.

4. The learned AGP submits that the petitioners have raised the claim after 16 years. We find that the petitioners have placed reliance

upon Tukaram Kana Joshi and others, through Power of Attorney Holder Vs. Maharashtra Industrial Development Corporation and others [(2013) 1 SCC 353] and a recent judgment delivered by the Hon'ble Supreme Court in the matter of Vidya Devi Vs. The State of Himachal Pradesh and others [(2020) 2 SCC 569] .

5. In view of the above, this petition is disposed off with a direction to respondent No.1 to deal with the representation dated 10.01.2022 on its own merits, by following the due procedure laid down in the law. We are issuing such direction as the land of any citizen of this country cannot be taken away without payment of compensation and Article 300-A of the Constitution of India would come into play. Let such response of the District Collector be communicated to the petitioner on or before 15.10.2022.

6. As the petitioners have received the documents under the Right to Information Act, respondent No.1 would rely upon the same documents and consider whether the petitioners' land has been acquired without grant of compensation. Needless to state, we would expect the District Collector to do the needful to ensure that complete

justice is done to the petitioners.

7. In the event the decision of the Collector is adverse to the interest of the petitioners, they would be at liberty to seek redressal of their grievance.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)