

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7638 OF 2022

UMAJI RAIBHAN SURASE DIED THROUGH LRS KARBHARI UMAJI
SURASE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH CHIEF SECRETARY AND
OTHERS
...

Mr.S.K.Adikine, Advocate for the petitioners.
Mr.S.K.Tambe, AGP for the respondent/State.

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

DATE : SEPTEMBER 12, 2022

PER COURT :

1. The petitioners have put forth prayer clause 'B' as under :-

"B. Direction may be issued against the respondent No.2 and 3 as application u/s 18 of the Land Acquisition Act filed with the office of respondent No.2 be forwarded to Civil Court, Aurangabad within 2 weeks for further actions."

2. In identical set of circumstances, concerning identically placed petitioners from the same village Karanjkheda/Revulgaon, this Court had passed an order on 28.03.2022 in WP No.1623/2019 filed by

Baburao Surase Vs. State of Maharashtra and others. The said order reads as under :-

"1. On 15.03.2022, this Court had passed the following order :-

- "1. By this petition, the petitioner is challenging the inaction on the part of respondent Nos. 2 and 3 in not considering his representation, which shows that his land situated at village Karanjkheda, was acquired in the year 1997 for medium project. He was not satisfied with the compensation that was received, hence, he filed proceeding under Section 18 of the Land Acquisition Act, 1894 for enhanced compensation. The application was filed by the petitioner on 18-03-1997 with Special Land Acquisition Officer, Aurangabad. The file was received by the Office, however, the said file was not sent to the Civil Court for consideration of enhanced compensation amount. The petitioner has made representation by filing a reference in the year 1997. There is an endorsement that the said petition is received by the Office. Thereafter, the petitioner has sent reminders on 22-04-2016 and 29-10-2018. There is no reply. Finally, the Sub-Divisional Officer/Special Land Acquisition Officer has replied stating that the file is not traceable in the office of Land Acquisition Officer. It has been almost 24 years prayer to Sub-Divisional Officer for sending a reference to the Civil Court is pending.
2. The learned AGP submits that in the event of cooperation of the petitioner, the Office would reconstruct the file at their own costs, in case it is missing and do the needful

within a period of two weeks from today.

3. *The learned Advocate for the petitioner submits that the petitioner would appear before the Special Land Acquisition Officer on 21st March, 2022 at 11.00 a.m. at Kannad and cooperate with the office for tracing out the file or reconstruct the same. 4. Stand over to 28-03-2022 for compliance.”*

2. *In deference to the order passed, the hearing was conducted in which the petitioner has participated. The communication dated 24.03.2022 is addressed to the learned AGP by the Sub Divisional Officer-cum- Land Acquisition Officer, Kannad, stating therein that the proceedings would now be forwarded to the Civil Court within a short duration. The copy of the said communication is taken on record and marked as “X-1” for identification.*

3. *The learned advocate for the petitioner is satisfied and submits that this petition stands worked out.*

4. *In view of the above, this Writ Petition is disposed off and we expect that the proceedings would be forwarded to the learned Civil Court within 45 days from today."*

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

[a] The petitioners would appear before respondent No.3 on 26.09.2022 at 11.00 a.m.

[b] They would assist respondent No.3 to re-construct their files, in the event said files are not traceable.

[c] The re-construction exercise shall be completed on or before 21.10.2022.

[d] Thereafter, the proceedings would be forwarded to the learned Civil Court within 6 (six) weeks, to be decided expeditiously considering that the application is dated 17.03.1997.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)