

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

40 WRIT PETITION NO. 1787 OF 2021

ARJUN VITHTHAL JADHAV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
AND

41 WRIT PETITION NO.1795 OF 2021

HIRABAI SHIVLAL RATHOD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....
AND

78 WRIT PETITION NO.8636 OF 2021

KADAJI KISAN BEVALE DIED THR ITS LRS RANUJI KADAJI
BEVALE AND OTHERS
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Prafullasing H. Patil h/f
Mr. P.B. Patil
AGP for Respondent Nos. 1 to 4 : Mr. S.G.Sangle
...

**CORAM : RAVINDRA V. GHUGE &
S.G.DIGE, JJ.**

DATE : 25.04.2022

P.C. :

1. In all these three petitions, the petitioners who are identically situated, have put-forth identical prayers seeking directions to the respondents to complete the acquisition of

their lands as mentioned in the prayer clauses, at village Valkheda Ta. Ambad, District Jalna and make the payment of compensation as per the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, (Rehabilitation and Resettlement) Act, 2013.

2. The learned AGP has taken instructions in the light of the order dated 27-01-2022 passed by this Court, which reads as under :-

“1. This Court has noticed in number of petitions that, though the lands of farmers / landlords have been acquired by Government Authorities for various purposes, the said persons have not been paid with fair compensation under the Right to Fair Compensation and Transparency in Land Acquisition, (Rehabilitation and Re-Settlement) Act, 2013, or as per the Award passed by the Competent Authority. The said persons therefore have to approach this Court by invoking its jurisdiction under Article 226 of the Constitution of India.

Prima facie, it appears that, the Revenue Authorities and all the acquiring bodies are not diligent and serious enough in making

payment of compensation to the landlords whose lands have been acquired by them.

2. *In a recent decision, in the case of **Gayabai Digambar Puri (Died) Through LR Versus The Executive Engineer and Others, 2022 LIVE LAW (SC) 15**, dated 03.01.2022, the Hon'ble Supreme Court has held as under :-*

“It is well-settled that the normal rule is that if on account of acquisition of land a person is deprived of possession of his property, he should be paid compensation immediately and if the same is not paid to him forthwith, he would be entitled to interest on the compensation amount from the date of taking possession of the land till the date of payment thereof as expounded in R.L. Jain (D) by Lrs. Vs. D.D.A. & Ors. reported in (2004) 4 SCC 79 (in particular paragraph 17.1).”

3. *In view of the above, we deem it fit and appropriate to direct the respondents No. 2 (In Writ Petition No. 8636 of 2021) i.e. the Divisional Commissioner, Aurangabad Region, Aurangabad, being the senior-most executive in the hierarchy of respondents in Aurangabad Region, to take review of entire situation and suggest remedial measures in that behalf.*

4. This be done within a period of three weeks from the date of receipt of present order.

5. Learned AGP is directed to communicate this order to the Divisional Commissioner, Aurangabad region, Aurangabad, by hand delivery.

6. Stand over to 17.02.2022.”

3. The learned AGP submits that in the first two petitions, the proposals are with the District Collector. It would be referred to the District Level Committee and based on the recommendations, the matters would be forwarded to the Government for budgetary allocation. It would take around three/four months for such budgetary allocation by following the due procedure of law. Thereafter, the compensation amount can be disbursed to the petitioners.

4. Insofar as the third petition is concerned, he submits that the said matter is one stage ahead of the earlier two petitions. The proposal has already been forwarded to the State Authority for budgetary allocation and it requires three / four months for clearing the same and thereafter payment can

be made. He submits that in all these matters sale deeds will have to be executed in the light of the Government Resolutions dated 12-05-2015 and 25-01-2017 and the entire compensation amount would be paid.

5. The learned Advocate of the petitioners is satisfied, if the above statements are recorded.

6. In view of the above, the statement made in these matters by the learned AGP on instructions, are recorded.

7. These petitions, are therefore disposed off.

8. In the first two petitions i.e. No. 1787 and 1795 of 2021, we grant time to the State Authorities to complete the entire process and ensure that the sale deeds are executed on or before 30th December, 2022.

9. Insofar as the third writ petition No. 8636 of 2021 is concerned, we grant time to the State Authorities to complete the process and get the sale deed executed on or before 15th September, 2022.

(S.G.DIGE, J.)

(RAVINDRA V. GHUGE, J.)