

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

985 WRIT PETITION NO.8956 OF 2018

BANASI GEMA CHAVAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR JALNA AND
OTHERS

...

Advocate for Petitioners : Mr. N.S. Shah and
Mr. V V Ghule Patil
Addl. GP for Respondent No. 1 : Mr. P.S. Patil

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**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 23rd FEBRUARY, 2022

PER COURT :-

1. The learned counsel for petitioners submits that the land of the petitioners has been taken in possession in the year 2006, however, acquisition proceedings are not yet initiated.

2. We have heard learned Additional Government Pleader for respondents. Respondent No. 2 has filed affidavit. In the affidavit, it is contended that office of respondent No. 2 has written letter to the office of District Conservation Officer on 2nd December, 2019 directing him to submit the information as per the Government Resolution dated 25th January, 2017. On receipt of the information, a fresh proposal for acquisition of land by way of direct purchase through private negotiation under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (for short "Act of 2013") will be submitted. It is further stated that an amount of Rs. 31,39,504/- is also disbursed to the claimants.

3. According to the learned counsel, there are many claimants. The petition is filed by four to five petitioners. Respondent No. 3 has also

filed affidavit stating that the office of respondent No. 3 is ready to calculate the amount as per the provisions of Act of 2013 and proposal to that effect is submitted the District Collector, Jalna.

4. The fact remains that the petitioners are not paid with entire compensation amount.

5. Considering the above, we pass the following order.

Order.

In case, the respondents are not in a position to purchase the property by private negotiation and/or private negotiation do not fructify within a period of six (06) months, then after lapse of six months period, and within a period of three (03) months, thereafter, the respondents shall initiate the acquisition proceedings for acquiring the lands of the petitioners under the provisions of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 and shall complete the proceedings within stipulated period under the Act of 2013.

6. Writ petition is disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE