

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

924 WRIT PETITION NO.772 OF 2021

RAGHUNATH BHASKAR AHIRRAO
DECEASED THROUGH HIS L.Rs.
KAMALAKR RAGHUNATH AHIRRAO
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

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Advocate for the petitioner : Mr.D.S.Bagul
AGP for the respondent-State : Mr.P.K.Lakhotiya
Advocate for respondent no.3 : Mr.D.B.Gaikwad h/f.
Mr.A.B.Dhongade
Advocate for respondent no.4 : Mr.D.S.Manorkar

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

DATE : 06.04.2022

P.C. :

1. By this petition, the petitioner has put forth prayer clauses-B, C and D, as under:

- B) By way of appropriate writ order or directions in the like nature, an appropriate action should be initiated against the respondents for willful disobedience of the order passed by this Hon'ble High Court in Writ Petition No. 8470/2018 dated 19th Aug 2018.
- C) By way of appropriate writ order or directions in the like nature, the respondents may please

be directed to initiate and complete the acquisition proceeding in respect of land bearing gut no. 92/1/B-2 and further be directed to pay compensation to the present petitioner for acquisition of land bearing survey no. 92/1/B-2 for construction/widening of National Highway No.6, Jalgaon – Surat.

- D) Pending the hearing and final disposal of Writ Petition, the respondents may please be directed to initiate and complete the acquisition proceeding in respect of land bearing gut no. 92/1/B-2 and further be directed to pay compensation to the present petitioner for acquisition of land bearing survey no. 92/1/B-2 for construction/widening of National Highway No.6, Jalgaon-Surat.

2. The pleadings are complete. We have considered the submissions of the learned Advocates for the respective sides. Considering the order that we intend to pass on the basis of the pleadings, we are not required to advert to the entire submissions of the learned Advocates.

3. The Public Works Department [N. H. Division], Dhule has filed an affidavit-in-reply through Sanjay Sahebrao Deore, Deputy Engineer, Public Works Department, Dhule, dated 30.07.2021. Paragraphs 4, 5 and 6, are as under:

4. I say and submit that, the Dhule-Surat Bypass Road was declared as National Highway No.6. The gazette of India by National Highway Authority of India, KaAa/2465 (A), dated 27.10.2011. Later on Executive Engineer, Public Works Division, Dhule handed over the road to National Highway Division Authority. Accordingly award of Mahidale, Tq & Dist. Dhule published on 19.03.2016 by the office of Collectorate Dy. Collector, Land Acquisition (General), Dhule vide letter No. LA/NHP/WAS/232/2016.

5. I say and submit that, in pursuant to the direction issued by the office of Ld. Assistant Collector and Desk Officer, Public Works Department, Maharashtra State on 08th September, 2020 measurement were done on 18.02.2020 by the office of Deputy Superintendent, Land Record, Dhule and it appears that, the land admeasuring 25R from survey no. 92/1B/2 were affected in the said acquisition and the constructed road as such, in pursuant to the report by the Deputy Superintendent of Land Record, Dhule.

6. I say and submit that, the office of deponent received a letter from the Desk Officer dated 08.09.2020 whereby it is directed to submit the proposal of the land acquisition of the petitioner and accordingly, the office of this deponent forwarded necessary proposal for

acquisition of 25R land from survey no. 92 / 1B /2 to the office of Ld. Collector, Dhule, Dist. Dhule. Copies of letter dated 08.09.2020 and proposal forwarded by the office of deponent to the office of Ld. Collector, Dhule is annexed herewith and marked as Exhibit "R-1" collectively.

4. It is, thus, apparent that, by now, the District Collector, Dhule may have forwarded the proposal after receiving it from the office of the Public Works Department [N. H. Division]. The acquisition proceedings have to be completed within one year as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. The learned Advocate for the petitioner submits, on instructions, that by granting a particular time frame, the compensation amount can be paid to the petitioner and this petition, therefore, stands worked out.

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

a] In the event the District Collector, Dhule has not proceeded with the proposal forwarded to him, in the light of the directions to the Public Works Department [N. H. Division] to forward the proposal, the same shall be set in

motion and considering the scheme of the Act, 2013, the award shall be delivered on or before 31st May, 2023.

[S.G.DIGE, J.]

[RAVINDRA V. GHUGE, J.]

DDC