

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10366 OF 2019

MITHU MAHADU BOCHARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHES

...

Advocate for the Petitioners : Shri Singare Ramdas B.
AGP for Respondents 1 to 4 and 6 : Shri S.G. Sangle

...

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

DATE :- 05th May, 2022

Per Court :-

1. By this Writ Petition, the petitioners have put forth prayer clauses B, C and C (wrongly numbered), which read as under :-

“B) *This Hon’ble Court be pleased to hold and declare that the Land Acquisition Proceedings initiated by the respondent authorities in view of the Land Acquisition Act, 1894, if any stands lapsed in view of the provisions of Land Acquisition, Rehabilitation and Resettlement Act, 2013 and for that purpose issue necessary orders.*

C) *By issuing appropriate writ, order or directions in the like nature, this Hon’ble Court be pleased direct the respondents to deposit the amount of compensation as well as rental compensation in this Hon’ble Court in respect of acquired land bearing Gat No.489 situated at*

village Bhakarwadi, Tq.Badnapur, Dist. Jalna in view of the Land Acquisition, Rehabilitation and Resettlement Act, 2013 and for that purpose issue necessary orders.

C) By issuing appropriate writ, order or directions in the like nature, this Hon'ble Court be pleased direct the respondent no.4 and 5 to submit the proposal of Bhakarwadi Percolation Tank No.9 situated in land Gat No.489 situated at village Bhakarwadi, Tq.Badnapur, Dist. Jalna and also direct the respondent No.2 pass award under the provision of Land Acquisition, Rehabilitation and Resettlement Act, 2013 considering the present market price of land and for that purpose issue necessary orders.”

2. We have considered the submissions of the learned counsel appearing on behalf of the respective parties.

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

(a) Respondent No.4 shall forward the proposal for acquisition of the agricultural land bearing Gat No.489 at village Bhakarwadi, Taluka Badnapur, District Jalna, on or before 15.07.2022, to respondent No.2.

(b) Respondent No.2 shall follow the due procedure as is laid down in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and shall ensure that the award is passed within the statutory

period of one year as is prescribed under the 2013 Act.

(c) In the event of there being any legal impediment, the same is left open to be adjudicated upon.

kps

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)