

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12395 OF 2021

INDROBA RANGOBA MANE SINCE DECEASED
THROUGH LRS NIVRUTI INDROBA MANE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioners : Shri Randive Sachin S.
AGP for Respondents 1 to 3 : Shri P.K. Lakhotiya
Advocate for Respondent 4 : Shri S.G. Bhalerao

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

DATE :- 28th April, 2022

Per Court :-

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

“C) *This Hon’ble Court may initiate the action against the respondents authority who have not pass the award and made compensation to the petitioners even inspite of land acquired in proceeding LAQ/CR/3/88 Gangamasala Sub Canal No.16 situated at mauje Surumgaon (Surmegaon), Tq.Majalgaon Dist.Beed and even inspite of repeated requests made by the petitioners.*

D) *By issuing writ of mandamus or any other writ or direction in the like nature to direct the respondents in particularly to the respondent no.2 and 3 to pass the Award as per The Right to Fair Compensation and Transparency in*

Land Acquisition, Rehabilitation and Resettlement Act, 2013 and make payment of compensation to the petitioners along with interest.”

2. An affidavit in reply has been filed on behalf of respondent Nos.2 and 3 i.e. District Collector, Beed and the Sub Divisional Officer-cum- Special Land Acquisition Officer, Jayakwadi Project, through Mrs.Nilam Bafna (respondent No.3) dated 04.03.2022 wherein, it is set out in paragraph 4 as under :-

“4. I say and submit that after getting the knowledge of current writ petition, office of answering respondent sent “Very Important/ Time Bound” letter No.2022/LNQ/SR/3/88 dt. 07.02.2022 to Respondent No.4 The Executive Engineer, Majalgaon Irrigation Division No.7 Gangakhed, at present the office transfer at Majalgaon Irrigation Division No.10 Parbhani, stating that after confirming the need of land acquisition, respondent should submit the fresh proposal for land acquisition of petitioner to this office via the office of Collector, Beed (Respondent No.2). Copy of letter dated 07.02.2022 is annexed herewith and attached as Exhibit R-2.”

3. Our attention is drawn to the affidavit filed by Shri Prasad Balbhim Lamb, Executive Engineer, MCD-10, Parbhani, on behalf of respondent No.4, wherein, it has been stated in paragraphs 2 and 3 as under :-

- “2. Respondent humbly submits that initially by letter dated 01.07.2019 respondent No.3 Sub Divisional Officer, Majalgaon, ask for detailed acquisition proposal with compliance of certain objections to the office of Executive Engineer Majalgaon canal division No.7 at Gangakhed, which should be given to present deponent as the said acquisition is transferred to the office of present deponent hence unfortunately said fact come to the notice of present deponent only when summons of this Hon’ble Court is received by the office of present deponent hence on last date i.e. 11.02.2022 deponent appeared through lawyer before this Hon’ble Court and sought time for filing brief reply regarding acquisition proposal.
3. Respondent humbly submits that immediately the proposal for land acquisition by direct purchase as per letter dated 01.07.2019 of respondent No.3 Sub Divisional Officer Majalgaon is prepared with consent of farmers and further submitted to the Collector office Beed by letter dated 25.02.2022 and remaining land acquisition process will be completed by direct purchase as per rate fixed by the rate fixation committee headed by respondent No.2. Copy of above said communications are annexed herewith and marked as Exhibit X collectively.”
4. Considering the above, it is apparent that the claim of the petitioner would be considered vide the said proposal dated 25.02.2022 as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Time frame under the

2013 Act is of one year.

5. The learned advocate submits, on instructions, that the petitioners are satisfied.

6. In view of the above, this Writ Petition is disposed off in the light of the statements made by the authorities in the reproduced paragraphs as above. We expect the entire proceedings to be concluded under the 2013 Act, on or before 30.04.2023.

kps (S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)