

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 WRIT PETITION NO. 13413 OF 2021

BALGIR PANCHAMGIR GIR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS ADDITIONAL
CHIEFSECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Vivekanand V. Gujar
AGP for Respondents: Mr. P.K. Lakhotiya

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

DATE : 29th MARCH, 2022

PER COURT :-

1. On 4th December, 2021, we had passed following order:

“The learned counsel for the petitioner submits that the Land Acquisition Proceedings were initiated. The same were continued under notification under Section 9 of the Land Acquisition Act, 1894. Even, the award under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 was passed on 18-05-2019. The compensation amount is not yet paid.

2. Issue notice to respondents. The learned A.G.P waives notice for all respondents and seeks time to take instructions. Stand over to 07-02-2022.”

2. The learned AGP points out the communication of the Sub-Divisional Officer-cum-Land Acquisition Officer dated 15th March, 2022 addressed to the District Superintendent of Police, Nanded stating therein that out of the total compensation amount of Rs.66,24,55,582/- the Sub Divisional Officer has received Rs. 24,06,09,448/- and the remainder amount is Rs.42,18,46,134/-.

The said communication is taken on record and marked 'X-1' for identification.

3. The learned Advocate for the petitioner submits that earlier Land Acquisition proceedings were initiated under the old Land Acquisition Act, 1894. On 14-03-2008, the said acquisition was abandoned and fresh acquisition under Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 was initiated. The mandate of the Act of 2013 is that acquisition proceeding should be completed within one year and there should be deposit of 100% compensation amount.

4. In view of the above, this petition is disposed off with a direction to respondent Nos. 4, 5, 6 and 7 to ensure that the petitioner's grievance is redressed with the payment of his share of the compensation amount.

5. Needless to state, to avoid multiplicity of litigation, the other beneficiaries under the same project, would be treated alike the petitioner.

(S.G. DIGE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE