

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

1058 WRIT PETITION NO.2226 OF 2022

**SUBHASH VITTHAL NIMBALKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners : Mr.Shirsat Suhas R.
AGP for Respondent Nos.1 to 4 : Mr.S.K.Tambe and Mr. S.P.Tiwari

...

AND

1060 WRIT PETITION NO.2240 OF 2022

**BHIMRAO ASHRUBA NEMANE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners : Mr.Shirsat Suhas R.
AGP for Respondent Nos. 1 to 4 : Mr.S.P.Tiwari

...

**CORAM : RAVINDRA V. GHUGE, &
ANIL L. PANSARE, JJ.**

DATE : 29th JUNE, 2022

PER COURT :

1. These two petitions are at Serial No. 1058 and 1060 in today's cause list. The learned Advocate for the petitioners, mentions at 2.30 p.m. that these petitions were not listed before the Court, which passed an order dated 02.05.2022 in identical matters. For the same reasons, these two petitions can also be disposed off with the same directions.

2. On 2nd May, 2022, this Court had observed in Writ Petition No. 2533 of 2021 filed by Somsing Dhansing Lalchhote and Others Vs. State of Maharashtra and Others, as under :

“1. In all these matters, identical prayers put forth by the petitioners pertain to the lands having been already acquired for construction of percolation tanks. The compensation has not been quantified though the notification under Section 4 of the Land Acquisition Act, 1894 has been issued. The petitioners’ grievance is that those contractors, who constructed the percolation tanks, have been paid their dues as per their tenders/ bids and it is these petitioners, who are farmers and who have lost their lands, are waiting for years for payment of compensation. By and large, these petitioners have been waiting in between 13 to 15 years.

2. Insofar as Writ Petition No.2539/2021 is concerned, we are informed that in this petition, the lands were not acquired by consent. It is a direct purchase and therefore, there are certain disputes. Within one year, going by the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, “the 2013 Act”), the award would be passed and the compensation would be paid to the petitioner. Subject to the rights of these petitioners insofar as enhancement in compensation is concerned, they are agreeable for recording the said statement and for disposal of the writ petition. As such, Writ Petition No.2539/2021 is disposed off by recording that the award would be delivered under the 2013 Act, on or before 30.04.2023. Payment would obviously be made with promptitude thereafter.

3. Insofar as the other 07 Writ Petitions are concerned, the lands were acquired by consent. The quantification of compensation has not been done as there has been no award. Naturally, these petitioners

are waiting for compensation and have, therefore, approached this Court in the last year.

4. The learned Government Pleader submits, on instructions from the Revenue Officers present in the Court including the Divisional Commissioner, Aurangabad Division, that the amounts will have to be first received from the Secretary, Planning Authority, State of Maharashtra. Necessary papers have been put up. However, the State Government is yet to clear the budget for making payment of compensation.

5. On this count, we deem it appropriate to issue a direction to the Secretary, Planning Authority, State of Maharashtra, to ensure that the amounts required for making payment of compensation to these petitioners, would be made available to the competent authorities, on or before 30.08.2022. Thereafter, the amounts would be disbursed to these petitioners, on or before 15.10.2022.

6. With the above directions, these Writ Petitions stand disposed off as the petitioners are satisfied that they would be getting their compensation amounts, on or before 15.10.2022.”

3. In view of the above, by applying the same conditions and directions, these two petitions are also disposed off.

(ANIL L. PANSARE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE