

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

995 WRIT PETITION NO. 5987 OF 2020

PRAKASH SANGOPANT PATIL
VERSUS
THE UNION OF INDIA AND OTHERS

...

Advocate for Petitioner : Mr. Dhananjay A. Naik
Advocate for Respondent No. 1 and 4 : Mr. R.R. Bangar
Advocate for Respondent No. 2 : Mr. D.S. Manorkar
AGP for Respondent No. 3 : Mr. A.R. Kale

...

**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 5th JANUARY, 2022

PER COURT :-

1. Mr. Naik, learned counsel for the petitioner submits that respondents have taken possession of the petitioner's land admeasuring 01 R from Survey No.380 situated at Osmanabad. Award has been passed. The land of the petitioner has not been included. TILR's map shows that land of the petitioner is affected. In spite of the same, respondent No. 2 is not paying the compensation amount nor submitted the proposal for acquisition.

2. Mr. Manorkar, learned counsel for respondent No. 1 submits that the map relied by the petitioner is prepared by the TILR upon the application of petitioner and respondent No. 2 was not issued notice prior to the said measurement.

3. For coming to the conclusion that land of the petitioner is affected in acquisition, joint measurement is required to be done. In the present case, Award is not passed in respect of land Survey No. 380 situated at Osmanabad. In absence of joint measurement, this Court cannot arrive

at conclusive finding.

4. The petitioner and respondent No. 2 may conduct joint measurement through TILR and if upon joint measurement, it appears that land of the petitioner is affected, then appropriate steps shall be taken by respondent No 2. The petitioner may make an application with TILR in that regard with due notice to respondent No. 2.

5. With aforesaid observation, writ petition is disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

mtk