

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

**910 PUBLIC INTEREST LITIGATION NO.2 OF 2019
WITH CA/12004/2021 IN PIL/2/2019**

**BALVANT ASARAM CHAVAN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. Khandare N. B.
AGP for Respondents-State : Mr. A. R. Kale.
Advocate for Respondent Nos.4 to 6 : Mr. S. B. Deshpande.

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**CORAM : R. D. DHANUKA, AND
S. G. MEHARE, JJ.**

DATE : 12.04.2022

PER COURT :-

1. By this Public Interest Litigation No.2 of 2019 filed by the petitioners, who are resident of Beed District and associated with an association namely "Bhrastrachar Virodhi Jan Andolan" prays for a writ of Mandamus against the State Government and the Chief Engineer, Central Railway to appoint an Independent Inquiry Committee to probe into the illegal distribution of compensation, illegal execution of sale deeds after declaration of notification under Land Acquisition Act and recording of entries in Revenue record, placing

additional demand of Rupees Eighty Crores for dropout area and to pass restrain order not to distribute the amount.

2. It is the case of the petitioners that the acquisition of land for new railway line is already completed in view of the award dated 25.08.2015 declaring payment of compensation of Rs.28,16,25,596/- and Rs.2,76,62,22,071/- respectively totaling to amount of Rs.305 Crores. The State Government as an acquiring body on behalf of the Central Railway has already paid sum of Rs.305 Crores to all the claimants in the year 2016.

3. The grievance of the petitioners in this petition is that after declaring such awards by the Land Acquisition Officer, the State Government has raised the further demand of Rs.80 Crores showing payment of compensation for dropout area of 9 Hectors 23 R.

4. We have perused the affidavit-in-reply filed by the Central Railway i.e. respondent Nos.5 and 6 stating that arrears amounts have been already deposited with the State Government in respect of the land under acquisition. While drawing the award, respondent Nos.2 to 4 have excluded some

area against "Dropout" as a result of which, lesser area was shown in the award than the proposed 9 Hector 23 R. area by the Central Government. The Central Railway again raised a demand for acquiring these dropout area. The State Government gave estimation of compensation to the tune of Rs.80 Crores. The Railway, however, neither considered their demand till date nor paid any amount against this proposal and thus there is no cause of action as alleged by the petitioners.

5. Perusal of the said affidavit-in-reply filed by respondent Nos.5 and 6 indicates that at one stage there was a proposal sent by the Central Government for acquiring the said area which came to be dropped in the award. However, in view of the reminder sent by the Central Government, the State Government placed a demand for depositing Rs.80 Crores for adding the area which came to be dropped in the Land Acquisition amount. Nothing survives in this petition. In case, the Central Government proposes fresh proposal in future, the same shall be in accordance with law.

6. In our view, the purpose of filing this petition, appear to

have been achieved. The Public Interest Litigation is accordingly disposed off. No order as to costs. The interim relief stands vacated.

7. In view of the disposal of the Public Interest Litigation, Civil Application No.12004 of 2021 does not survive and is accordingly disposed off.

(S. G. MEHARE, J.)

(R. D. DHANUKA, J.)

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vmk/-