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

966 WRIT PETITION NO.15416 OF 2019

SHAIKH AHMED SHAIKH AMIR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
967 WRIT PETITION NO.15427 OF 2019

NAJAM KHA GAFUR KHA PATHAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
968 WRIT PETITION NO.15440 OF 2019

BALIRAM MHASUJI GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
969 WRIT PETITION NO.15445 OF 2019

OMPRAKASH GOVINDRAO WALASE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr A. N. Nagargoje, Advocate h/f Mr R. K. Shingnapure,
Advocate for petitioners;
Mr P. K. Lakhotiya, A.G.P. for respondents/State

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

DATE : 5th May, 2022

PER COURT:

1. We have briefly heard the learned advocates appearing for

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the respective sides. There is no dispute that the award has not been delivered though the lands were acquired by private negotiations on 11/02/2007, 16/12/2007, 16/08/2003 and 05/02/2007, respectively, for the purpose of construction of percolation tanks. Such tanks have already been constructed and are being utilized.

2. The learned AGP representing the respondents/authorities, submits that the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, “the 2013 Act”), would be applicable to these cases. The learned advocate for the petitioners submits that, if the respondents resort to private negotiations, the payment of compensation would occur within six months period. If this is not possible, they would have to follow the course, as is prescribed in the 2013 Act and which has to be completed within one year.

3. In view of the above, these writ petitions are disposed off with the following directions :-

(a) Respondent No.4 shall initiate steps under the 2013 Act and the acquisition proposal shall be submitted to

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respondent No.2/ District Collector, Jalna, as expeditiously as possible and preferably on or before 30/07/2022. Thereafter, the procedure laid down in the 2013 Act, shall be followed and the award would be delivered on or before 31/07/2023.

(b) In the event of the respondents preferring the mode of private negotiations and such negotiations are fructified without much delay, we would expect the proceedings to conclude, as expeditiously as possible and preferably, on or before 30/09/2022.

(S. G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)

sjk