

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

921 WRIT PETITION NO.52 OF 2023

CHAMPALAL LALAMAN MAHER AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA  
THROUGH THE SECRETARY AND OTHERS

\*\*\*  
Advocate for Petitioners : Mr Sandeep N. Lute  
AGP for Respondents/State : Mr S.B. Yawalkar

**CORAM : MANGESH S. PATIL AND  
S.G. CHAPALGAONKAR, JJ.**

**DATE : 19-01-2023**

**PER COURT :**

1. The petitioners claim that their lands Gut Nos. 172 and 175 of Sirasgaon Mandap, Tq. Bhokardan, Dist. Jalna are being acquired under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 **(the Act)**, but the process of acquisition has not commenced and seeking direction in that regard.
2. The learned advocate for the petitioners tenders across the bar the notification issued under section 11(1) dated 18<sup>th</sup> October, 2022 apparently showing that one of the writ lands namely, Gut No. 172 alone is now being sought to be acquired. He therefore, submits that they would not press for petition to the extent of land Gut No. 175.
3. The learned advocate for the petitioners tenders across the bar an order passed by this Court in ***Biraji Bandu Nimrot and others Vs. The State of Maharashtra and others; (Writ Petition No.13610/2019 dated 22 February, 2021)***. He submits that for the same project, the

similar relief was being claimed by the petitioners therein and he was representing them and this Court had directed that the concerned respondents would initiate land acquisition proceedings within a period of two months. He also submits that even contempt petition has been filed by those petitioners.

4. The new Act gives a timeline and the petitioners are showing notification under Section 11(1) dated 18<sup>th</sup> October, 2022 which has been issued only on 18-10-2022.

5. We need not exercise the powers under the Article 226 of the Constitution of India, when the statute mandates a timeline in the process of acquisition.

6. The writ petition is disposed of granting liberty to the petitioners to once again approach this Court if the acquisition process does not conclude within statutory period.

**[ S.G. CHAPALGAONKAR, J. ]**

**[ MANGESH S. PATIL, J. ]**

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