

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

904 WRIT PETITION NO.668 OF 2020

BALASAHEB MADHAV GARJE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

906 WRIT PETITION NO.3799 OF 2020

SAMBHAJI NAMDEV CHAVAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

907 WRIT PETITION NO.4006 OF 2021

UTTAM LAXMAN MAHARANWAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

908 WRIT PETITION NO.3244 OF 2022

UMESH SANTOSH BHANDAWALKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

909 WRIT PETITION NO.6352 OF 2022

GORAKH DNYANOBA NEPATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
AND

912 WRIT PETITION NO.7090 OF 2023

MOHAN TUKARAM KATMANDE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS

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Mr. S. E. Shekade, Advocate for the petitioners,
Mr. S. G. Karlekar, Mr. P. K. Lakhotiya, Mr. A. V. Deshmukh, Mr. S. K.
Tambe, AGPs for Respondent Nos. 1, 2 and 4/State
Mr. S.C. Arora, Advocate for Respondent No.3 in WP Nos. 668/2020,
4006/2021 and 7090/2020

Mr. M. C. Swami, Advocate for Respondent No.3 in WP Nos.3799/20, 3244/22, and 6352/22

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.
DATE : 6th September, 2023

ORDER:

1. The contentions of the learned Advocates for the respective sides have been considered by us. The acquisition dates back to 1985 and 1986 onwards, in some of such cases.

2. Section 4 notification under the Land Acquisition Act, 1984 is said to be published and a copy is placed on record. The learned AGPs submit on instructions that there are instances, when a 'make believe' picture is created that Section 4 notification has been published and the acquiring body has gone to the extent of commenting that compensation amount should be paid. In some cases, fake awards are placed on record and an affidavit is placed before the Court agreeing with the award in order to pay the compensation amount. On a deep probe into the matter, such cases have been exposed. It may be a coincidence that such cases originate from the Beed District. Therefore, the Respondents contend that it is high time that the record must be carefully perused and scrutinized.

3. In view of the above, we direct the Respondent authorities to follow the due procedure laid down in law and carryout a verification

exercise as regards the publication of section 4 notification, award, gazette, etc. and only after being fully convinced that the land has been acquired and proceedings for acquisition have either commenced or have not commenced at all, further steps may be taken strictly in accordance with law

4. Let this verification exercise be completed with a period of 120 days.

5. Pursuant to the above exercise, in cases where it is noticed that the land has been acquired, acquisition proceedings have commenced/or not commenced, steps as are permissible in law in the light of the 2013 Act be initiated. If such proceedings are commenced upon being convinced, the authorities would abide by the timeline set out under the 2013 Act.

6. Those officers who carry out the said scrutiny/verification exercise, shall be held personally liable, if it is noticed that there has been any mischief or fraud in such cases.

7. With the above directions, **these Petitions are disposed off.**

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan