

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

10 WRIT PETITION NO.1758 OF 2023

INDUBAI JANARDAN SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

Mr.Suhas R.Shirsat, Advocate for the Petitioners.
Mr.V.M.Kagne, AGP for the Respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : JUNE 19, 2023

PER COURT :

1. The Petitioners have put forth prayer clauses B and C as under :-

"B. By issuing writ of mandamus or any other appropriate writ, order or direction, the respondent Nos. 2 to 4 to forthwith carry out joint measurement of the lands bearing Gat No.240, 241, 219 and 220 situated at Neknoor, Tq. and Dist. Beed already acquired and taken in possession for construction of Percolation Tank No.6 at Neknoor to determine the quantum of amount of compensation to be paid to the petitioners and other co-owners on accepting the necessary Measurement Fee from the petitioners;

C. By issuing writ of certiorari or any other appropriate writ, order or

direction in the nature of writ of certiorari, the order dated 30.07.2021, passed by the respondent No.3 may please be quashed and set aside and the objection petition filed by the petitioners may please be allowed."

2. While hearing the submissions of the Petitioners, they have stated that the Gat Numbers 219, 220, 240, 241, may be measured since the award dated 27.11.2015 indicates Gat No.240 that belongs to the Petitioners. Per contra, an order was passed on 30.07.2021 on an application filed by the Petitioner bearing No.32/2004 lodged on 26.02.2021, wherein the Deputy Collector, Land Acquisition has mentioned that land admeasuring 1.18 hectares in Gat No.240 was acquired. There are 5 names mentioned in the chart in the said order which indicates that the Petitioners' share was not acquired.

3. The learned Advocate for the Petitioners submits that the Petitioners are willing to pay the charges for measurement of land Gat Nos. 219, 220 240 and 241 in order to assess as to whether the share of the Petitioners has been acquired or not.

4. In view of the above, **this petition is disposed off** with a

direction to the concerned Authorities to measure the land Gat Nos.219, 220, 240, 241 after the Petitioners deposit the requisite fees. Let the measurement, with the wholehearted co-operation of the Petitioners, be completed within a period of 60 days.

5. In the event, the Petitioners' grievance is not redressed after such measurement is carried out, they are at liberty to avail of a remedy as is permissible in Law subject to the applicability of the Law of Limitation.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)