

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

WRIT PETITION NO.5112 OF 2021

**TUKARAM DHONDIBA KHADE
VERSUS
THE STATE OF MAHARASHTRA THR SECRETARY AND OTHERS**

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Mr. D. A. Bide, Advocate for petitioner

Mr. P. K. Lakhotiya, AGP for respondent Nos. 1 to 3

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

DATE : 18.01.2023

PER COURT :-

The petitioner is aggrieved by the fact that, in spite of his land has been taken over in possession pursuant to the decision of the respondents who acquired it by resorting to private negotiations, in spite of the fact that he has lost the possession in 2005 and the others have been paid the money, in his case, a sum of Rs.2,31,500/- is not being paid and the sale-deed is not being got executed since long.

2. The respondents have not been disputing the fact of the petitioner having surrendered his land for a public project.

3. The petitioner has his back to the wall. Having consented for transferring the land by way of private negotiations he is waiting for the fruits since 2005-2006 that too of a sum of Rs.2,31,500/-. The respondents, in the same process, acquired the lands of the others by paying money, but the petitioner is left in lurch.

4. The situation cannot be countenanced.

5. We allow the writ petition and direct the respondents to get the sale-deed executed from the petitioner and pay the amount determined by the committee to him as early as possible and in any event within four months, else the amount shall carry interest at the rate 12% p.a. after expiry of four months.

[S. G. CHAPALGAONKAR, J.]

[MANGESH S. PATIL, J.]

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