

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

903 WRIT PETITION NO.8188 OF 2023

PANDHARINATH VISHVANATH PAWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

Mr.P.B.Patil, Advocate for the Petitioners.
Mr.S.B.Yawalkar, AGP for the Respondent/State.

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

DATE : AUGUST 4, 2023

PER COURT :

1. There are hundreds of cases before us wherein lands of farmers have been acquired for construction of percolation tanks or storage tanks or for sinking wells. All this happens to be a part of public projects. The percolation tanks / storage tanks are constructed. All the contractors are paid their bills and the Petitioners before us, invariably, are farmers, who are literally begging for the compensation amounts for the lands that have been acquired.

2. The case in hand is one wherein the storage tank C.R.

No.16/2012 was constructed after the lands of the Petitioners were acquired. After the tanks were constructed, it was noticed that certain parts of the lands of the Petitioners are affected. Thereafter the Authorities woke up and started moving the files. The result is that till today, the Petitioners are yet to receive the compensation amount and the proposal that was forwarded on 01.08.2023, was placed under objections as certain deficiencies have been noticed.

3. Prima-facie, we are of the view that the sequence of events of construction of percolation tanks / storage tanks indicated that the contractors getting their amounts, whereas the affected farmers are left high and dry. If the lands of any farmer or any individual is affected, acquisition proceedings should be initiated. The payment of compensation should occur at the earliest and preferably before making the payments to the contractors.

4. The learned AGP informs us by stating that under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the Government has to first prepare an award with regard to the land that is being utilized for the

public project, make the payment to the affected land owner, then take possession of the land and thereafter carry out the development in the public project.

5. He further submits that since this is an old case, the Government will try its best to ensure that the Petitioners will get the compensation at the earliest. He submits on instructions that the objections in the proposal of the Petitioners will be corrected by the Acquiring Body/Respondent No.8, within 2 weeks. Thereafter the proposal would be forwarded to Respondent No.6, within 2 weeks. Thereafter, as per the provisions of the 2013 Act, Section 11 notice followed by hearing on objections, followed by Section 19 notice and the award, will be done strictly with the timeline provided under the Act.

6. The Petitioners voice a grievance that some timeline be granted because the Authorities will merrily take their own time. We, therefore, direct that the Section 11 notice shall be issued within 30 days after the proposal is received in the light of the above statement of the learned AGP.

7. In view of the above directions, **this petition is disposed off.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)