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

910 WRIT PETITION NO.4254 OF 2023

**SANTARAM DAJIBA DONGARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH UNDER
SECRETARY AND OTHERS**

....

Mr Vaibhav B. Kulkarni, Advocate for Petitioner;
Mrs Priya R. Bharaswadkar, A.G.P. for Respondent Nos.1 to 6

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

DATE : 7th December, 2023

PER COURT:

1. Leave to add the 'Sub Divisional Officer, Partur, Jalna', as Respondent. Addition be carried out forthwith.
2. The Petitioner has put forth prayer clauses (B), (C) and (E), which read as under :-

“(B) By issuing appropriate writ or directions respondents may directed to disburse the amount of compensation as mentioned in valuation table prepared by S.D.O. Partur at Exh. - B within period of 8 weeks.

(C) To direct the respondents to pay Rs. 5,00,000/- as an interim measure for treatment of ailments of petitioner and adjust the same from compensation payable to him.

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E) To grant 15% per annum interest on compensation amount awarded by Partur from 11/11/2019 till the realization of amount.”

3. The learned A.G.P. submits on oral instructions that, the proposal was returned to the District Collector, Jalna, on account of certain deficiencies. These deficiencies were cured and the corrected proposal is already forwarded to the Government through the office of the Divisional Commissioner.

4. The Petitioner is a 76 years old senior citizen. His land has been acquired. He had approached this Court earlier in Writ Petition No.6059/2015. By the order dated 10/08/2016, this Court had directed in paragraph Nos.3 and 4, as under :-

“3. Mr. Virdhe, learned A.G.P. states that the acquisition proposal for the acquisition of additional land has been prepared and the notification U/s 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, has been issued on 18.2.2016 and the process would be completed and if there is any discrepancy in the land of the petitioner to be acquired, it will be resolved by fresh joint measurement by the office of the Deputy Director of Land Records U/s 20 of the Act of 2013.

4. In view of the fact that additional proposal for acquisition of the land of the petitioner has already been submitted and notification U/s 11 of the Act of 2013 is also

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issued, the grievance of the petitioner to a large extent stands redressed. There is a dispute with regard to the area of the petitioner's land to be affected. The affidavit filed by the Sub-Divisional Officer, Partur, categorically states that if there is any discrepancy in the land which is going to be acquired, the same will be resolved by joint measurement U/s 20 of the Act of 2013. The petitioner certainly would be present at the time of joint measurement and the same can be resolved at that time.”

5. In view of the above, **this Writ Petition is disposed off**, with a direction to Respondent No.1 to ensure that the proposal of the Petitioner is cleared in 90 days and the amount to be paid to the Petitioner shall be cleared and paid to him along with interest @ 7% p.a. or as is statutorily prescribed, from December 2019, till the amount is actually paid. If this order is not complied with, we will hold the Secretary of the Planning Department (E.G.S.) responsible for disobedience of the order of this Court amounting to aggravated contempt.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk