

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

903 WRIT PETITION NO.6596 OF 2023

**SUBHASH DHONDIRAM RATHOD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS**

...

Advocate for Petitioners : Mr. Lute Sandeep N
AGP for Respondents State: Mr. V. M. Kagne
Advocate for Respondents 4 to 6: Mr. P. D. Suryawanshi

CORAM : RAVINDRA V. GHUGE, &
Y. G. KHOBRAGADE, JJ.

DATE : 6th July, 2023

ORDER:

1. The learned counsel for the petitioners submits on instructions that they are ready for private negotiations and direct purchase.
2. Mr. Tope, the learned Advocate is on the panel of Zilla Parishad Jalna. He had waived service of notice on 20.06.2023. On 27.06.2023, he informed the Court that despite communication with the Zilla Parishad, instructions are not being passed on to him. We, therefore, in our order passed on said date have noted that if the instructions are not forwarded to the learned Advocate, the Chief Executive Officer Zilla Parishad, Jalna (Ms. Varsha Meena) would remain present in the Court. We are surprised that instead of passing on instructions to the learned Advocate, the Chief Executive Officer has changed the Advocate and has passed on instructions to the learned

Advocate Shri P. D. Suryawanshi. Hence, appearance of Shri Tope is discharged.

3. The petitioners claim that their land Gat No. 121 at village Nagapur Tq. & Dist. Jalna, admeasuring 2.51 H.R. was being cultivated by them and they lost possession on 24.01.2002. Notices under section 4 of the Land Acquisition Act, 1894 was published on 15.11.2006. According to the petitioners, thereafter they have been meeting the respondents over the last 15 years.

4. The learned Advocate for the Zilla Parishad placed before us a communication dated 06.07.2023 addressed to the Deputy Collector, Land Acquisition, Jalna by which a proposal for taking forward the acquisition proceedings of the petitioners' land has been tendered. The same is marked as 'X-1' for identification.

5. The learned Advocate for the petitioners submits that the respondent authorities should complete the procedure and make the payment towards compensation at the earliest.

6. The learned AGP submits that since the proposal has been received, the same would be taken to a logical end in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within the time line of one

year as is prescribed. We expect the authorities to complete the procedure within one year.

7. In view of the above, the **petition is worked out and is, therefore, disposed off.**

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

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