

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 WRIT PETITION NO.12555 OF 2023

PAWAN BAPU PAWAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH REVENUE AND FOREST
DEPARTMENT AND OTHERS

WITH
WRIT PETITION NO.12581 OF 2023
(Bhagwan Sandu Chaudhari and others Vs. The State of Maharashtra
and others)

WITH
WRIT PETITION NO.12556 OF 2023
(Hukumchand Deoman Chaudhari Since Deceased, through LR's Vs.
The State of Maharashtra and others)

Mr.Mohit S.Shah, Advocate for the Petitioners.
Mr.P.K.Lakhotiya, Mr.S.G.Karlekar, AGPs' for the Respondent/State.

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

DATE : OCTOBER 11, 2023

PER COURT :

1. The Petitioners are aggrieved by the decision of Respondent No.5, "the Committee for acquisition by private negotiations", dated 08.07.2022 which was accorded approval by the Collector on 22.07.2022, directing the Petitioners to execute registered sale deeds.

2. The learned Advocate for the Petitioners submits that the Petitioners cannot be compelled to enter into private negotiations. If the rates prescribed by the Committee are not acceptable to the land owners, they would not enter into registration of sale deeds. In so far as the compulsory acquisition is concerned, the learned Advocate submits that the rights of the Petitioners in Law will have to be kept open.

3. The learned AGP submits that private negotiation is normally the first option and the first choice of the land owners as well as the Department. However, if the negotiations do not fructify, the option to the land owners is to refuse to enter into sale deeds and face compulsory acquisition.

4. The learned Advocate for the Petitioners submits that there are 3 representations made by the Petitioners to the said Committee dated 25.11.2022, 07.12.2022 and 02.01.2023. If these representations are considered by Respondent No.5 and a decision is conveyed to the Petitioners, the Petitioners would be in a position to face compulsory

acquisition.

5. In view of the above, **these Petitions are disposed off** with a direction to Respondent No.5 to consider the representations of these Petitioners strictly in accordance with the provisions of Law. Let the decision be arrived at within 60 days from today and the said decision be conveyed to the Petitioners within 15 days, on the addresses mentioned in these Petitions.

6. Needless to state, all contentions of the litigating parties are kept open.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)