

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO.5577 OF 2008
WITH CA/1893/2010 IN WP/5577/2008 WITH CA/13394/2009 IN
WP/5577/2008 WITH CA/13116/2019 IN WP/5577/2008

SARDAR ABCHALNAGARSINGH SARDAR KARAMSINGH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Y.P. Deshmukh h/f.
Mr. H. A. Joshi and Mr. A. R. Mohane
AGP for the respondent – State : Mr. S.B. Yawalkar
Advocate for the intervenor : Mr. P.N. Sonpethkar
Advocate for respondent no. 4 : Mr. S.V. Adwant
Advocate for respondent no. 2 : Mr. J.R. Shah
...

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

DATE : 31 JANUARY 2023

PC :

Heard.

2. By order dated 29-11-2019, this Court had expected the respondents to initiate proceeding for acquisition of the petitioner's property within three months. In spite of lapse of more than 3-4 years, the matter is almost at the same stage except the fact that, according to the learned advocate for the petitioner, the petitioner himself has now been made to pay the measurement charges in spite of losing the property way back in the year 2008.

3. Learned advocate Mr. Shah for the corporation submits that a proposal was submitted for acquisition with the Government as is mentioned in the affidavit dated 21-04-2022 filed by the officer of the Town Planning Department of the municipal corporation.

4. It is not made clear by the Assistant Government Pleader or even the learned advocate for the respondent – corporation as to what has transpired pursuant to such a proposal submitted with the Special Land Acquisition Officer. There is also no indication as to if they are really intending to commence the acquisition process and conclude it in the statutory time.

5. As is indicated in the order dated 29-11-2019, there is no dispute about the fact that the respondents are under an obligation to acquire the petitioner's property by resorting to the provisions of the Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013.

6. It is also informed that by notice dated 30-01-2023 the joint measurement by the City Survey Officer, Aurangabad is to take place on 02-03-2023.

7. We dispose of the writ petition by directing the respondents to initiate the acquisition proceedings latest by four months and conclude it within the statutory time.

8. All the parties shall co-operate the City Survey Officer, Aurangabad in undertaking the joint measurement scheduled on 2 March 2023.

9. Dispute regarding the rival claims *inter se* between the petitioner and the intervenors who have been subsequently arrayed as respondents is kept open.

10. The amount that has been paid to the petitioner during pendency of this petition shall be appropriated towards the amount of compensation payable to him in the land acquisition process.

11. Pending civil application/s are disposed of.

[S. G. CHAPALGAONKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/