

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

25 WRIT PETITION NO.6800 OF 2023

**JAGDISH JAMANADAS SAMDANI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

...

Advocate for Petitioner : Mr. Bhushan Mahajan
AGP for Respondents State: Mr. S.W. Munde

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

DATE : 26th June, 2023

ORDER:

1. The Petitioner has put forth prayer clauses (B), (C) and (D) as under:

- "(B) To direct the respondents to initiate land acquisition proceedings of the agricultural lands from where petitioner is forcibly dispossessed while constructing the Bahadarpur-Parola-Kasoda Major District Road by issuing a writ of mandamus or any other order or direction of the like nature.
- (C) To direct the respondents to measure the land of the petitioners and by issuing notification under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to pay the compensation to the present petitioner.
- (D) To direct the respondent No.3- Executive Engineer, PWD, Amalner to decide the representation dated 10.03.2023 preferred by the petitioner within one month."

2. The learned Advocate for the Petitioner submits that on the representation of the Petitioner dated 10.03.2023, the Compete Officer (Land acquisition)/Deputy Collector Jalgaon has issued a communication to the Executive Engineer, PWD, Amalner, calling for his report. The learned Advocate, therefore, submits that his representation be taken to a logical end and if there has been no measurement of the land of the Petitioner, which is said to have been utilized in the Bahadarpur-Parola-Kasoda Major District Road, there should be a joint measurement and if it reveals that the Petitioner's land has been utilized, the Competent Authority be directed to acquire the land by following the procedure laid down under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. In view of the above, this **petition is disposed off** with the following directions:

- (A) If a measurement of the Petitioner's land in relation to Bahadarpur-Parola-Kasoda Major District Road has not been carried out, appropriate directions shall be issued for carrying out the said measurement. The petitioner and the Public Works Department, would pay equal shares of the fees for measurement.

- (B) The above exercise of depositing the fees, if any, shall be completed within 45 days from today. Thereafter, measurement shall be carried out within 30 days with due notice to the parties concerned.
- (C) If it is revealed that the Petitioner's land has been utilized for the said road, to be specific, Gat No. 494, Kasoda to Erondol, the concerned authorities shall resort to acquisition of the said portion of the land in terms of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and shall ensure that the process of acquisition is completed within the prescribed of 12 months period.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan