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

41 WRIT PETITION NO.9194 OF 2023

**AJAY SUNIL NAVAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS**

....

Mr Bhushan Mahajan, Advocate for Petitioner;
Mr S. B. Yawalkar, A.G.P. for Respondents/State

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

DATE : 31st July, 2023

PER COURT:

1. The Petitioner has put forth prayer clauses (B), (C), (D) and (E) 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 State Highway No.25 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 pay the compensation to the present petitioners;

D. To direct the respondents to pay compensation as per the provisions of Right to Fair Compensation and

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Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by issuing a writ of mandamus or any other order or direction of the like nature;

E. To direct the respondent No.3-Executive Engineer, PWD, Amalner to decide the representation dated 15.03.2023 preferred by the petitioner within one months;”

2. The learned Advocate for the Petitioner submits that, on the representation of the Petitioner, dated 15.03.2023, the Competent Officer (Land acquisition)/Deputy Collector, Jalgaon has issued 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 Yeola-Erandol State Highway No.25, there should be a joint measurement. 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:-

(3)

(A) If a measurement of the Petitioner's land 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, to be specific, 650/1/A/1 Kasoda to Erandol road, has been utilized for the said road, 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 12 months period.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk