

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

**WRIT PETITION NO.9699 OF 2023**

**SURYAKANT VASUDEO PATE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY  
AND OTHERS**

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Mr. R. P. Patwardhan, Advocate h/f Mr. D. R. Shelke, Advocate for  
Petitioners

Mr. S. b. Yawalkar, AGP for Respondent – State

Mr. A. D. Pawar, Advocate for Respondent Nos. 4 to 6

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

**DATE : 09.08.2023**

**PER COURT :-**

1. The Petitioners have put forth prayer clauses (B) and  
(C) as under:-

*“(B) By way of writ of mandamus, the respondent  
authorities may be directed to pay the rental compensation  
@ of 8% per annum to the petitioners from the date of  
dispossession till the date of notification dt. 20/07/2018.*

*(C) The respondent authorities may be further directed to  
pay interest @ 9% on the total amount of rental  
compensation payable to the petitioners”.*

2. The contention is that the lands of these Petitioners  
were acquired in 1973 and the possession was taken prior to the

notification under Section 4 of the Land Acquisition Act, 1894. Private negotiations were entered into by the parties. Since the compensation was not paid, the Petitioners approached the Hon'ble Lokayukta. By order dated 21.04.2013, the Respondents were directed by the Hon'ble Lokayukta to complete the process and pass an award within six months. The Respondents initiated the acquisition proceedings on 20.07.2018. By publishing a notification under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the award was delivered on 31.12.2018.

3. The representations of these Petitioners are addressed to the Respondent No.6, dated 21.12.2021 giving a reference of the order passed by the Hon'ble Lokayukata. Further representations by way of reminders were served on the said authority. Under the Right to Information Act, the Petitioner received a copy of the communication from the Assistant Superintending Engineer, Jalgaon Irrigation Project dated 01.11.2022, addressed to the Executive Engineer, Minor Irrigation, in which a reference is made to the opinion of the legal advisor.

4. We are of the view that Respondent No.6 needs to take a specific stand with regard to the claim of these Petitioners. Though the representations are pending, no decision is arrived at and there is no communication of the stand taken by the department to the petitioners.

5. In view of the above, this **petition is disposed off** with a direction to Respondent No.6 to consider the representations of the Petitioners. After carefully perusing the record of the acquisition, he shall pass an appropriate order or arrive at a specific decision with reasons, within sixty (60) days from today. After the decision is arrived at, the same may be conveyed to all the Petitioners on their addresses mentioned in the title clause in this petition paper-book within fifteen (15) days.

[ Y. G. KHOBRADE, J. ]

[ RAVINDRA V. GHUGE, J. ]

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