

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

WRIT PETITION NO. 9608 OF 2023

Amol Ashok Borole,
age: 46 years, Occ: Agriculture,
R/o Plot No.07, Old Postal
Colony, Behind M. J. College,
Jalgaon, Taluka and District
Jalgaon.

Petitioner

Versus

01 The State of Maharashtra,
through learned
District Collector, Jalgaon,
Taluka and District Jalgaon.

02 The Special Land Acquisition
Officer (1), Upper Tapi
Project (Hatnur), Jalgaon,
Taluka and District Jalgaon.

03 Girish Kashinath Chaudhari,
age: 48 years, Occ: Service;

04 Dipali Girish Chaudhari,
age: 45 years, Occ: Household,

Both are permanent R/o Khiroda,
Taluka Raver, District Jalgaon,
At present residing at 5587,
Sterling Lakes Circle, APT-103,
Mason Ohio 45040 USA.

Respondents

Mr. P. R. Katneshwarkar, advocate holding for Mr. J. V. Patil,
advocate for the Petitioner
Mr. A. R. Kale, AGP for Respondents No.1 and 2.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARUN R. PEDNEKER, J.**

DATE : 14th SEPTEMBER, 2023.

P.C. :

1. Heard Mr. Katneshwarkar, learned Counsel appearing for the petitioner and Mr. Kale, learned AGP for Respondents No.1 and 2.

2. The learned Counsel for the petitioner submits that the issue involved in the present petition is arising out of the Upper Tapi project, Hatnur, District Jalgaon and is identical to the issue decided by this Court in Writ Petition No. 11331 of 2023 and submits that the same order be passed in this writ petition.

3. The learned AGP, appearing for Respondents No.1 and 2, has not disputed that the issue involved is similar in nature. However, he submits that the petitioners are subsequent purchasers of the property after issuance of Section 11 Notification.

4. In response thereto, the learned Counsel for the petitioner submits that he also hold the general power of attorney of the original owners of the property prior to the issuance of Section 11 Notification and that he would continue to prosecute the matter under the registered general power of attorney on behalf of the original owners of the property.

5. In view of the same, this writ petition is disposed of with the similar directions issued in Writ Petition No.11331 of 2023, as under:

(a) The petitioner, in this writ petition, shall make written application to the Collector, Jalgaon, under Section 64 of the Acquisition Act of 2013, for referring the matter to the Authority raising their grievance therein, within a period of two weeks from today;

(b) On receipt of the written application under Section 64 of the Acquisition Act of 2013, the Collector shall prepare a statement in terms of Section 65 of the Acquisition Act of 2013 and for the said purpose, shall appoint a Committee of two

senior Revenue Officers not below the rank of Sub Divisional Officer to conduct a survey of the land of the petitioner, and submit a report in respect of the requirement of Section 65 of the Acquisition Act of 2013 and based on such report, he shall make a statement to the Authority for its consideration, within a period of four weeks from the date he receives a written application from the petitioner under Section 65.

(c) While the Committee conducts survey for the purpose of preparation of statement under Section 65 of the Act, the petitioner or his representatives shall be present on the spot for which the petitioner shall present himself before the Collector within two weeks, whereupon the Collector shall fix a date for the survey to be conducted.

(d) Once reference is made to the Land Acquisition, Rehabilitation and Resettlement Authority, the Authority shall expedite the proceeding and proceed to determine the same in accordance with law.

(ARUN R. PEDNEKER, J.)

(CHIEF JUSTICE)