

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 WRIT PETITION NO.12467 OF 2021

1. Ganpat S/o Ratan Rathod (Died)
Through Lrs.
Baban S/o Ganpat Rathod,
Age:- 55 years, Occu: Agril,
2. Vijay S/o Pratap Rathod,
Age : 38 years, Occu: Agril.
Both R/o. Khoradsawangi,
Tq. Mantha, Dist. Jalna. ...Petitioners

Versus

1. The State of Maharashtra,
Through The Secretary Revenue and
Forest Department Mantralaya,
Mumbai -32.
2. The Secretary,
Planning Department,
(Employment Guarantee Scheme)
Madamkama Road, Administrative
Building, Mantralaya Mumbai 32.
3. Divisional Commissioner,
Divisional Commissioner Office, Aurangabad.
4. Collector of Jalna.
5. Deputy Collector Jalna,
(Employment Guarantee Scheme)
6. The Sub Divisional Officer/
Special Land Acquisition Officer
Partur, Tq. Partur, Dist. Jalna.
7. The Executive Engineer,
Minor Irrigation (Water Conservation),
Local Sector Jalna Dist. Jalna.Respondents.

Mr Prakashsing B. Patil, Advocate for Petitioners
Mr S.J. Salgare, AGP for Respondent/State

**CORAM : MANGESH S. PATIL AND
SANTOSH G. CHAPALGAONKAR, JJ.**

DATE : 02-01-2023

ORAL ORDER : (MANGESH S. PATIL, J.)

. Heard.

2. Rule. Rule made returnable forthwith.

3. The learned Assistant Government Pleader waives service for the respondents Nos. 1 to 6. At the joint request of the parties, the matter is heard finally at the stage of admission.

4. The petitioners are aggrieved by the fact that in spite of initiation of acquisition proceedings in respect of the portion of their land from Gut Nos. 69/1 and 69/2, by issuing a notification under section 11 (1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 on 28 March 2016, no further steps are being taken to acquire the land and to pay compensation.

5. Mr Patil, learned advocate for the petitioners submits that the land of the petitioners from very same gut numbers was earlier acquired for percolation tank No. 2, they were paid compensation. Now additional land from the same gut numbers is being acquired for percolation tank No.2 but the proceedings for acquisition is not being concluded. He submits that now some doubt is being raised in respect of the extent of land which was under acquisition in respect of percolation tank No. 2 and the percolation tank No. 7. He submits that as per the affidavit-in-reply

filed on behalf of the respondents, if the respondents intend to undertake re-measurement, they may do so, expeditiously and take decision in respect of payment of compensation. But that is not happening since long.

6 The learned AGP submits that pursuant to the instructions on the last date, he is still to get information regarding within how much time, the re-measurement would be undertaken.

7. We do not intend to express anything on facts, as to how much land of the petitioners was acquired at the time the percolation tank No. 2 was constructed and how much is acquired thereafter for percolation tank No. 7.

8. In any case, if the respondents have now decided to go for re-measurement for whatever reason, it is expedient that they take steps as early as possible so that the petitioners can be compensated.

9. We dispose of the writ petition by directing the respondents to carry out the re-measurement as early as possible and in any case within six months and depending upon the result of the measurement take further steps for acquisition and payment of compensation within a period of six months thereafter.

10. Rule is made absolute in above terms.

[SANTOSH G. CHAPALGAONKAR, J.]

[MANGESH S. PATIL, J.]

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