

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

901 WRIT PETITION NO.12399 OF 2019

**SAMTA HOUSING SAHAKARI GRUHNIRMAN SANSTHA MARYADIT
KHANDALA THROUGH ITS CHAIRMAN**

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Ashok Mishra & Mr. Sachin S Randive

AGP for Respondents/State: Mr. S. G. Sangle

Advocate for Respondent No.2: Mr. S. S. Dande

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**CORAM : NITIN W. SAMBRE &
S. G. CHAPALGAONKAR, JJ.**

DATE : 28.03.2023

PER COURT :

1. This petition filed by Co-operative Housing Society alleging that its land being part of Gat No.395 came to be acquired by respondent No.2/acquiring body through respondent no.4 / acquisition officer.
2. The contentions of the counsel for the petitioner are that in absence of there being any award in the matter, the respondent needs to be directed to purchase the land to the extent of 2 Hectare 36 R. by awarding compensation under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, of 2013 [hereinafter referred to as 'the Act' for short].
3. The aforesaid contentions are disputed by the learned counsels for the respondents. According to them, the petitioner has approached this Court at much belated stage that too without there being any proper explanation as the respondents have taken recourse to the land acquisition proceedings under the provisions of the Maharashtra Industrial Development Act, 1961 [hereinafter referred to as 'the Act, 1961' for short].

4. We have appreciated the said submissions.

5. The fact remains that the case in hand, the respondents have placed on record through an affidavit that the acquiring body has deposited the amount of compensation with the Land Acquisition Officer to the tune of Rs.2,10,276/- and pursuant thereto, the petitioner was issued an intimation to collect the said amount of compensation. The fact remains that the amount of compensation is still lying with respondent/Land Acquisition Officer as the petitioner has not collected or approached the said authority for collection of the amount of compensation.

6. Apart from above, even if the petitioner is aggrieved by the amount of compensation awarded to him, he has every remedy to claim enhancement in the matter.

7. In this background, what can be noticed, the contention of the petitioner that he was pursuing the remedy with the respondents/authorities and there is no delay which cannot be accepted particularly when in 2002, he was aware about the deposit of amount of compensation as is apparent from the public documents which are produced by the respondents on record.

8. In the aforesaid eventuality, drawing support from the judgment of the Apex Court in the matter of **State of Maharashtra Vs. Digamber** reported in (1995) 4 SCC 683, we refrain ourselves from causing any interference particularly when the petition suffers from unexplained delay in the matter. Even if the petitioner has placed on record the judgment of Apex Court in the matter of **Sukh Dutt Ratra & Anr. Vs. State of Himachal Pradesh & Ors.** reported in 2022 Livelaw (SC) 347, the said judgment will be of hardly any assistance as the Supreme Court has exercised powers under Article 142 of the Constitution of India. Such powers are not available to the High Court in the matter to do complete justice.

9. Apart from above, the reliance placed on the orders of this Court delivered on 19th March, 2018 in Writ Petition No.10104/2016 [Ganesh Narsing Lolge & Anr. Vs. State of Maharashtra & Ors.] will also be of hardly any consequences to the cause cited in the petition particularly when in the said petition, the petitioner was consistently pursued his remedy before the authorities.

10. In that view of the matter, no case for causing interference at such belated stage is made out. The petition is accordingly dismissed.

(S. G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE, J.)

Sameer