

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

47 WRIT PETITION NO.14193 OF 2021

NAMDEO RANUJI BAHIR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Bide Dnyaneshwar A.
AGP for the respondent – State : Mr. A.S. Shinde
...

**CORAM : MANGESH S. PATIL &
S. G. CHAPALGAONKAR, JJ.**

DATE : 27 FEBRUARY 2023

PC :

Heard the learned advocate for the petitioners and the learned AGP.

2. Respondent no. 6 who represents the acquiring body, has been served with a notice before admission and even for final disposal but has not caused appearance.

3. The petitioners claim that their lands have been affected by a public project of canal without undertaking any process of law.

4. The respondent – Land Acquisition Officer (LAO) in his affidavit in reply states that no such proposal was received by his office and hence expresses his inability to undertake any acquisition process.

5. The petitioner files affidavit in rejoinder which is taken on record. From the communication at page 60 dated 16-01-2023, it appears that the respondent – LAO has written to the office of the Land Records to underake various steps for carrying out preliminary measurements and joint measurement in order to process the proposal received by his office from the respondent no. 6 herein for acquisition.

6. In view of such communicationn, it is quite apparent that the process for acquisition has commenced and it would be imperative that it is concluded within the statutory time.

7. The petitioners also expect that some decision is taken on their representation dated 17-01-2023 addressed to the Collector and the Land Acquisition Officer as well as the acquiring body to consider the government resolution dated 30-03-2016 which enables payment of 50% of the compensation in advance.

8. We dispose of the writ petition by directing the respondents to conclude the acquisition proceeding within the statutory time frame and further direct the respondent no. 4 - Land Acquisition Officer and the Collector to consider the petitioner's representation dated 17-01-2023 on its own merits.

[S. G. CHAPALGAONKAR]
JUDGE

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[MANGESH S. PATIL]
JUDGE