

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

922 WRIT PETITION NO.3512 OF 2023

**VIJAYKUMAR MADHAVRAO BELURE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT COLLECTOR AND
OTHERS**

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Advocate for Petitioners : Smt. P. G. Sontakke h/f Mr. Sontakke Gajanan K.
AGP for Respondents/State: Mr. A. R. Kale
Advocate for Respondent No.4: Mr. S. G. Sangle

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

DATE : 28.03.2023

PER COURT :

1. The petitioners, claim to be owner of the land which was acquired for the construction of percolation tank way back in the year 2000 against the notification dated 28th November, 2001 under Section 4 of the Land Acquisition Act, 1894. According to the petitioners, the award came to be passed on 29th November, 2004. However, name of the applicant was deleted from the award. According to the petitioners, as a sequel of above, no compensation was awarded in favour of the petitioners in absence of there being any award. The petitioners further claim that the respondent/acquiring body has disbursed an amount of Rs.10,000/- towards the aid on humanitarian grounds for the purpose of construction vide communication dated 15th April, 2010, thereby stating that petitioners' land was acquired and the compensation was also paid whereas till this date, neither any compensation was paid nor an award was passed. By relying on the documents on record, the learned counsel for the petitioners would urge that the land of the petitioners is under submergence and as such, the petitioners are entitled for the relief as has been claimed in the petition,

thereby directing the respondent to take recourse to the land acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Drawing support from the order dated 13th October, 2022 passed in Writ Petition No.10666/2022, learned counsel would urge that the respondents must be issued notice in the matter.

3. Learned AGP appearing for respondent Nos.1, 2 & 3 and the learned counsel for respondent No.4 would oppose the prayer based on the delay and laches.

4. We have considered the said submissions of the petitioners particularly in view of the fact that the acquisition of the land was way back in the year 2000 as reflected from the facts narrated in the petition.

5. The petitioners appear to be insensitive to their legal right and have approached this Court after lapse of the period of more than 20 years seeking directions to acquire the land.

6. In the aforesaid background having regard to the law laid down by the Apex Court in the matter of **State of Maharashtra Vs. Digamber** reported in **(1995) 4 SCC 683**, we refrain ourselves from causing interference as the petition suffers from delay and laches. The writ petition stands dismissed.

7. However, in view of the government policy, if the petitioners are able to demonstrate the authority that the land of the petitioners remain submerged for consistent three years of period, it shall be open for the petitioners to approach the authority claiming compensation in the matter which prayer may be decided irrespective of dismissal of the present petition.

(S. G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE, J.)