

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.15080 OF 2019**

NARAYAN GOVINDA KANDORE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mrs. Pratibha R. Jamdhade, Advocate for the Petitioners.

Mr. P. K. Lakhotiya, AGP for Respondents-State.

Mr. R. B. Deshpande, Advocate for Respondent No.3.

...

**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.
DATE : 17th APRIL, 2023.**

P.C:-

1. Heard.

2. Learned counsel for the petitioners submits that the respondents have taken out acquisition proceedings in relation to the land other than the one occupied by the petitioners. An award came to be passed sometime in March 1973. According to the petitioners, since then till this date though the petitioners have lost possession, neither the acquisition proceedings are taken out nor compensation is paid. The petitioners have relied on communication dated 18th September, 2013 issued by the Deputy Executive Engineer, Upper Painganga Project Division No.1, Nanded addressed to the Special Land Acquisition Officer, Upper Painganga Project Division No.2, Hingoli.

3. In this background, it is claimed that the respondents be directed to initiate the acquisition proceedings under the Right to Fair Compensation Act, 2013. It is further claimed that all the financial benefits be ordered to be passed to the petitioners since

1973. A reliance is placed on the pleadings in paragraph nos.8, 9 and 10 of the petition, which reads thus:

“8. That the petitioner says and submits that the vice Executive Engineer Upper Painganga Project Division No.1, Nanded vide letter no.2555 of 18 September 2013 send to Special Land Acquisition Officer Upper Painganga Project No.2 Hingoli mentioning tht the lands of 20 farmers are acquired and the affected land owners are liable for the compensatiion.

9. That the petitioner says and submits that the land owners are cultivating the from 1953-54 and lands are acquired in year March 1973 and from the date of acquiring the land all 9 land owners are landless and facing hardship. Their names are cancelled from the ownership column in revenue record and the name of Executive Engineer is mutated in 7/12 extract.

10. That, the petitioners are very poor and hardly surviving their family instead the petitioners has applied to various concern authority but in vain therefore it is necessary to compensate the petitioner from 1973 to till today otherwise the petitioner will suffer irreparable loss, mental agony which cannot be compensated in terms of money.”

4. Learned counsel for the respondents would oppose the prayer on the ground of delay and laches.

5. We have appreciated the submissions.

6. The petitioners claim that they have lost their lands for the aforesaid project in the year 1973 and as such, are entitled for compensation since then.

7. Since 1973 till this date i.e. for last 50 years, there are hardly any communications or steps taken by the petitioners to implement their rights.

8. It is after lapse of 50 years the petitioners have approached this Court seeking grant of compensation thereby praying for issuance of directions to the respondents to initiate the acquisition proceedings.

9. Such proceedings, in our opinion, cannot be directed to be initiated after a lapse of unexplained delay of around 50 years. The issue is squarely covered by the judgment of the Apex Court in the matter of *State of Maharashtra Vs. Digambar* reported in *1995 SCC (4) 683*.

10. Writ Petition accordingly stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE

(NITIN W. SAMBRE)
JUDGE