

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

972 WRIT PETITION NO.12792 OF 2016

BHIMRAO SANTARAM RAGADE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr Sandeep N.Lute
AGP for Respondent Nos. 1 to 3 : Mr S.B. Yawalkar

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

DATE : 01-02-2023

PER COURT :

1. Leave granted to file rejoinder.
2. The learned AGP submits that the respondent Nos. 4 and 5 are present before the Court and they are filing affidavits-in-reply. Those are taken on record.
3. The petitioners are seeking acquisition process of their house property to be initiated.
4. For the acquiring body, Rajaram Hiralal Zurwat in his affidavit has submitted that in fact, in the joint measurement, the petitioners' structure is found to have been affected and mentions that the initial proposal forwarded in the year 2005 itself indicated existence of such structure but the award was passed only in respect of the well. He has also mentioned about having forwarded fresh proposal on 27 January 2023.

5. The Special Land Acquisition Officer in his affidavit has expressed his readiness to take steps pursuant to the proposal if any received from the acquiring body/respondent No. 5.

6. Since the respondent Nos. 4 and 5 are *ad idem*, we dispose of the writ petition by directing them that they would conclude the acquisition proceedings in the statutory time and would pass the award. The respondents shall thereafter pay the amount of compensation to be determined to the petitioner within a period of four months of the award.

[S.G. CHAPALGAONKAR, J.]

[MANGESH S. PATIL, J.]

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