

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5563 OF 2022

Mr.Shrikant D. Patil

..Petitioner

Versus

The State of Maharashtra & Ors

..Respondents

ANJALI
TUSHAR
ASWALE

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by ANJALI
TUSHAR ASWALE
Date: 2023.10.30
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Mr.Vishwanath Talkute, Advocates for the Petitioner.

***Ms.S. D. Vyas, Additional G.P. Ms. N. M. Mehra,
AGP for the State.***

**CORAM : B. P. COLABAWALLA, J &
M. M. SATHAYE, JJ.**

DATE : OCTOBER 26, 2023

P.C.

Rule. By consent of parties Rule is made returnable
forthwith and heard finally.

2 The above Writ Petition is filed inter alia seeking a
direction to Respondent Nos.1 to 6 to expedite the process of
determination of compensation in respect of land acquisition
proceedings regarding Gat No.129/2 admeasuring 1H 22R situated
at Village Mardwadi, Tal.Walwa, Dist. Sangli and further direct
Respondent Nos.1 to 6 to pay to the Petitioner an amount of
compensation along with interest @ 18% p.a. from the date of

acquisition of the said land as expeditiously as possible and in any event within a period of two months from the date of the order.

3 It appears that the subject land (Gat No.129/2) forms a part of a Notification issued under Section 4 of the Land Acquisition Act, 1894 and which was dated 8th December, 1983. Thereafter, even in the declaration under Section 6, the subject land was included. However, when the Award was passed on 31st March, 1989, the said land, namely Gat No.129/2 (Old Gat No.1229/2) was deleted on the ground that the same was not cultivable. It appears that despite there being no acquisition of the said land, a part of the said property, admeasuring 27R, was allotted by the Government to the project affected person Shri Mahadeo Dhondiba Sawant and Mutation Entry No.2472 came to be effected. Since there was no acquisition of Gat No.129/2 the present Petition is filed seeking the reliefs set out hereinabove.

4 In the present matter, the State has filed an affidavit in reply dated 25th October, 2023. In the said reply, it is stated that as per the Government Resolution संकिर्ण ०३/२० १५ प्र. क्र.३४/अ२ dated 12th May, 2015, the State will follow the process of determination of compensation by private negotiations in respect

of land acquisition proceedings regarding Gat No.129/2. Tentative timeline provided in the affidavit is also set out in paragraph 4 of the said affidavit. For the sake of convenience, the relevant paragraphs of the said affidavit are reproduced hereunder:-

“4. At the very outset, I say and submit that as per Government Resolution No. संकिर्ण ०३/२० १५/प्र. क्र.३४/अ २ दि.१२/५/२० १५, these respondents will follow the process of determination of compensation by private negotiation in respect of land acquisition proceeding regarding Gat No.129/2. Tentative time required for completing land acquired process will be as under:

<i>Details of process to be followed</i>	<i>Tentative date of completion of process</i>
1 Publication of Notice of Acquisition	On or before 20/11/2023
2 Completion process of fixing valuation	On or before 05/12/2023
3 Sending proposal Assistant Director of Town Planning Department, Sangli for valuation	On or before 10/12/2023
4 Obtaining valuation from Assistant Director of Town Planning Department, Sangli	On or before 31/12/2023
5 Conduct meeting for determination of compensation amount	On or before 31/1/2024
6 Obtaining compensation amount from Office of Land Acquisition, Sangli	On or before 31/03/2024
7 Actual payment of compensation amount	On or before 15/04/2024

6. I say that these Respondents will follow the process of determination of compensation in respect of land acquisition proceeding regarding Gat No.129/2 as mentioned above and will complete the same as expediently as possible.”

5 The learned counsel appearing on behalf of the Petitioner has stated that the Petitioner is agreeable to have his land acquired by private negotiations and the Writ Petition can be disposed of in light of the affidavit dated 25th October, 2023 filed by the State.

6 In light of what we have stated hereinabove, we direct the State to acquire the land of the Petitioner, namely, Gat No.129/2 by private negotiations and strictly adhere to the timeframe set out in paragraph 4 of the affidavit dated 25th October, 2023, and which has also been reproduced by us.

7 Rule is made absolute in the aforesaid terms and the Writ Petition is also disposed of in terms thereof. However, there shall be no order as to costs.

8 Though we have disposed of the Writ Petition, to ensure that these timelines are followed scrupulously, we will place the above Writ Petition on Board for compliance from time to time. Since the first compliance is to be done on or before 20th November, 2023, we place the above matter on Board on 28th November, 2023 for reporting compliance.

9 This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M. M. SATHAYE, J.] [B. P. COLABAWALLA, J].