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

919 WRIT PETITION NO. 701 OF 2024

SHIVAJI DEORAO KADAM AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS

....

Mr Shashikant E. Shekade, Advocate for Petitioners;
Mr P. K. Lakhotiya, A.G.P. for Respondent/State

**CORAM : RAVINDRA V. GHUGE
AND
R. M. JOSHI, JJ.**

DATE : 28th February, 2024

PER COURT:

1. This is yet another case, wherein the State Government, after taking away the lands of the Agriculturists for completing the projects and promptly paying the bills of the Contractors, has left the land losers high and dry.

2. The Government of Maharashtra issued a Resolution on 13/05/2002, approving the Chanai Storage Tank at Ambajogai. On 31/01/2003, the Beed Irrigation Project Division issued an administrative order with regard to fulfilling the project. On 07/12/2004, the Land Acquisition Officer, Ambajogai initiated the land acquisition proceedings and directed the T.I.L.R., Ambajogai,

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to measure the lands, which are needed for the said storage tank. Joint Measurement was conducted and the Petitioners' properties were identified as being utilized for the project. On 23/11/2004, the Special Land Acquisition Officer issued a letter to the Acquiring Body for sending a proposal and requested that the formalities be completed. Thereafter, there has been total inaction.

3. There is no dispute that the project has been completed, all the bills towards the cost and expenditure for the said storage tank have been paid and, the lands of the Petitioners have been acquired.

4. In view of the above, we direct Respondent No.3/Executive Engineer, Minor Irrigation Division, Beed, to send a proposal to Respondent No.2/District Collector, Beed under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the 2013 Act'), within a period of 45 days from today. Thereafter, the procedure under the 2013 Act shall be completed within a period of 365 days, keeping in view that 20 years have lapsed. This procedure will include

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urgent measurement of the lands properties. Needless to state, the Petitioners would be entitled for rental compensation as per the prescription of law, from the date of they losing their possession of the lands, till the amounts are actually paid to them, in view of Sections 29 and 32 of the 2013 Act.

5. We make it clear that, after the proceedings are completed and the quantum of compensation is arrived at, the said amounts shall be paid to the Petitioners within a period of 90 days alongwith the rental compensation, as directed.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

sjk