



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

WRIT PETITION NO. 905 OF 2020

1. Gangadhar s/o Raosaheb Ajabe
Age- 58 years, Occu. Agril.,
2. Dnyandeo s/o Raosaheb Ajabe
Age – 51 years, Occu. Agril.,
3. Chhakubai w/o Dnyandeo Ajabe
Age – 46 years, Occu. Agril.,
4. Atul s/o Dnyandeo Ajabe
Age – 24 years, Occu. Agril.,

All R/o. Shiral, Tq. Ashti,
District Beed

... PETITIONERS

VERSUS

1. The State of Maharashtra
Through its Secretary,
Public Works Department,
Mantralaya, Mumbai-32
2. The Collector, Beed
3. The Sub-Divisional Officer,
Patoda, Dist. Beed
4. The Executive Engineer,
Public Works Division,
Beed, District Beed
5. The Sub-Divisional Officer
Public Works Sub-Division,
Ashti, Tq. Ashti, Dist. Beed

... RESPONDENTS

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Mr. C. K. Shinde, Advocate for Petitioners
Mr. S. R. Yadav – Lonikar, AGP for Respondent – State

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 25.07.2024

JUDGMENT (Per – Ravindra V. Ghuge, J.) :-

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The Petitioners lost possession of their land on 26.02.2008, for the purpose of construction of the Baramati - Bhigwan, Waki - Kada State Highway No.68, in the revenue limits of village Shiral, Taluka Patoda. The Acquiring Body tendered a fresh proposal for acquisition to the Collector, on 09.07.2010.

3. The Collector and the S.D.O., Patoda noticed certain deficiencies. A comprehensive proposal was prepared, on 03.11.2010 and submitted by Respondent No.5 to the office of Respondent No.4. Since there were deficiencies, it was never forwarded to the Collector. The new Land Acquisition Act, 2013 (Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013), came into operation on 01.01.2014.

4. Today, the learned AGP representing Respondent Nos. 4 and 5, draws our attention to paragraph 7 of the affidavit-in-reply dated 09.07.2024, which reads as under:-

“7. I say and submit that, even though at present the road for which the land was acquired is not in the jurisdiction of the present respondent nos. 4 and 5, but when the acquisition was initiated and possession was taken, it was under the jurisdiction of respondent nos.4 and 5. Therefore, the present respondent no.4, is the competent authority to forward the proposal for acquisition of the land of the petitioners to the District Collector hereby undertakes that a complete proposal after removing the deficiencies will be sent to the Office of the respondent no.2 i.e. District Collector, Beed, on or before 15.08.2024.”

5. The learned Advocate for the Petitioners expresses anguish, in view of the fact that the possession of the land was lost in February 2008 and it has taken 16 years for the authorities to assure that a proposal complete in all respects would be tendered on or before 15.08.2024. We join the learned Advocate in his anguish. He is justified in conveying to us that these Petitioners' feel tortured. He, therefore, prays that the acquisition proceedings under the 2013 Act, be completed within the statutory period and he further prays that the compensation amount should be paid to the Petitioners within a period of 30 days.

6. In view of the above, **this Writ Petition is partly allowed.**

The statement made on oath in the reproduced paragraph 7, is recorded as a statement made to the Court. We will not tolerate a delay of even a single day, beyond 15.08.2024. We further direct that the acquisition proceedings would be completed in accordance with the 2013 Act, within the statutory period prescribed. Since the learned AGP has urged us to grant a little more time, We grant time of 120 days instead of 90 days, for payment of compensation, after the award is delivered within the statutory period. No request for an extension of time would be granted.

7. **Rule is made partly absolute** in the above terms.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS