



(1)

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

**944-2 WRIT PETITION NO.6936 OF 2014
WITH
CIVIL APPLICATION NO. 6828 OF 2024
IN WP/6936/2014**

**SAU. VARSHA BALASAHEB SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....

Mr S. S. Kulkarni, Advocate h/f Ms Pratiksha Kale, Advocate for
Petitioner

Mr N. S. Tekale, A.G.P. for Respondent Nos.1 & 2

Mr V. D. Hon, Senior Advocate i/b Mr K. N. Lokhande, Advocate
for Respondent No.3

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

DATE : 9th August, 2024

PER COURT:

1. We have heard the learned Advocates for the
respective sides and the learned Senior Advocate along with Shri.
Lokhande, the learned Advocate for the Corporation. There is a
consensus between the parties that the land of the Petitioner,
which is being utilized for the purposes of burial/cremation of the
dead bodies of persons professing the Christian and Muslim

(2)

religion and those belonging to the Matang, falling in the Scheduled Caste category.

2. According to the Petitioner, her land is occupied for crematorium, for burial and also for a mosque. The Corporation agrees to carry out the measurement of the land and demarcate the area that the Corporation would require for being used for the above stated purposes. It is mentioned on behalf of the Corporation that, thereafter steps would be taken for initiating acquisition proceeding only to the extent of the area of land, which is required for the said purposes. The Corporation is under an obligation to initiate the acquisition proceeding.

3. In view of the above, **the Writ Petition, as well as the Civil Application, are disposed off**, with the following directions in the light of the statements of the parties :-

A) Let the measurement of the land in Survey No.130/1 i.e. Gut No.28/1 be carried out by following the due procedure laid down in law, within a period of 90 days.

(3)

B) The Petitioner and the Corporation shall equally share the cost of the measurement and shall deposit the said amounts in equal shares, with the Taluka Inspector of Land Records (TILR) at Nagapur, Tq. and Dist. Ahmednagar.

(C) The Petitioner shall place a copy of this order before the TILR and request for a Challan. Let such Challan be issued by the TILR within 10 days from the date of submitting the representation along with a copy of this order.

D) Within 60 days of the generation of the Challan, the measurement would be carried out. Within 30 days thereafter, the sketch map and the measurement report would be delivered to the Corporation and also a copy to the Petitioner.

E) The Corporation would decide the area of the land, which is required for the above stated purposes, and shall initiate steps for acquisition within 60 days from the date of receiving the sketch map and the measurement report.

(4)

F) The acquisition proceeding shall be concluded within timeline, as is prescribed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

G) All rights of the landlord are kept open with regard to the land at issue.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk