



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9035 OF 2022

Noorkha Rajakha Pathan,
Age: 62 years, Occu: Agril.,
R/o Naigaon Mayur, Tq. Patoda,
Dist. Beed.

... **Petitioner**

V/s.

1. The State of Maharashtra
Through Secretary, Irrigation Department,
Mantralaya, Mumbai - 32
2. The Divisional Commissioner,
Aurangabad Division, Aurangabad.
3. The District Collector, Beed,
Tq. & Dist. Beed.
4. The Deputy Collector (Acquisition)
Beed, Dist. Beed. Minor Irrigation.
5. The Executive Engineer /
District Water Conservation Officer,
Minor Irrigation, Local Sector, Beed,
Tq & Dist, Beed.
6. Sub-Divisional Water Conservation Officer/
Deputy Engineer, Minor Irrigation,
Local Sector, Patoda, Dist. Beed.
7. The Project Director,
Zilla Gramin Vikas Yantrana,
Beed, Dist. Beed.

... **Respondents**

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Mr. S.B. Bhosale, Advocate for the Petitioner
Mr. B.M. Dhanure, AGP for the Respondent-State

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CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.

DATE : 27th June, 2024

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

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

2. The Petitioner has put-forth prayer clause-C, D and E, as under:

“C. This Hon'ble Court may be pleased to issue appropriate writ, order or directions against the respondent No. 5 and 6 to submit a proposal of acquisition in respect of land of the petitioner bearing Gat No. 220 admeasuring 1 Hector 81 R. situated at Naigaon Mayur, Tq. Patoda, Dist. Beed to the respondent No. 3 and 4 under the provisions of the Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, to pass award and to pay compensation to the petitioner within three months from the receipt of order.

D. This Hon'ble Court may be pleased to issue appropriate order or directions against the respondent No. 7, directing it to credit the funds for payment of compensation in respect of acquired land bearing Gat No. 220 admeasuring 1 Hector 81 R. along with fruit bearing trees to the respondent No. 4.

E. This Hon'ble Court may be pleased to issue appropriate order or directions against the respondents to deposit 80% of calculated amount of compensation in this Hon'ble Court.”

3. The Petitioner submits that his agricultural land ad-measuring 1 Hectare 81 R in Gut No.220 at village Naigaon Mayur, Tq. Patoda, was acquired for the construction of the Naigaon village tank. The possession of the land was taken on 05.05.1994. The work was completed in the same year. The final award was delivered on 25.03.2001 and because of paucity funds, the Petitioner was not paid the compensation.

4. The learned AGP submits on instructions that this Court may issue appropriate directions as is permissible in law.

5. Having considered the judgment delivered by the Hon'ble Supreme Court (5 Judges Bench) in **Indore Development Authority V/s. Manoharlal & Ors.; (2020) 8 SCC 129**, the case of the Petitioner would fall under Section 24 (2) and the compensation will have to be determined under Section 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Section 25 mandates that the entire exercise has to be completed and the award has to be pronounced, within twelve months from the date of publication of the declaration under Section 19 which would not be applicable in the present case. The determination in the light of Sections 26 to 30 will have to be done within a year.

6. It is 30 years that the possession of the land was taken. Nothing more is required to be considered. Even after filing of this Petition in 2022, the Authority has not moved. Taking into account the provisions of the 2013 Act and the judgment delivered in **Indore Development Authority** (supra), we direct that the award shall be delivered before 31.01.2024. Thereafter, the compensation amount shall be paid to the Petition within 90 days.

7. In view of above direction, **the Writ Petition is disposed off**. Rule is made absolute in above terms.

[Y.G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]