



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO. 1812 OF 2023

LAXMAN DIGAMBAR BORULWAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Mr. S.G.Karlekar h/f. Patil Laxmikant C.
AGP for Respondents/State : Mr. S.K. Tambe
...

CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 17th January, 2024

PC. :-

1. On 19.12.2023, we had passed the following order:

“1. The learned A.G.P. submits that, he has received instructions from the District Collector of Dharashiv that the records are being searched, and within three weeks, the office of the District Collector would be able to trace out the records. If they are not found, this Court may proceed to pass appropriate orders.

2. Stand over to 17/01/2024 in the 'urgent orders' category.”

2. The learned AGP points out that an affidavit in reply has been filed on behalf of Respondent No.5 dated 16.01.2024 and an Officer from the department is present in the Court. He indicates from paragraph 8, 9 and 10 in the affidavit in reply that the draft award is not traceable. Despite the office

having taken serious efforts to search out the copy of the draft Award, the same is not traceable. In this backdrop, he refers to paragraph 9 and 10 which read as under:

“9) I say and submit that, since the draft award which was not finalised and is not traceable, meaning thereby in view of Section 24 (2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the said Land Acquisition proceeding has been lapsed and it is necessary to initiate a fresh land acquisition proceeding as per the provision of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

10) I say and submit that, in view of the above facts and circumstances since the said land acquisition proceeding is within the jurisdiction of the respondent no.2 District Collector, Latur, who is authority to initiate a land acquisition proceeding afresh in view of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. I say that, by letter dated 16.01.2024 it is informed by the Office of Sub Divisional Officer, Ahmedpur, Dist. Latur, informing that a fresh land acquisition proceeding will be initiated and award will be passed as per new act. Hereto annexed and marked as EXHIBIT 'R-6' is the copy of Letter dated 16.01.2024.”

3. The learned advocate for the Petitioners submits that this petition can be disposed off in the light of the above statement since the compensation will have to be paid to the Petitioner under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. He further submits that as the lands were acquired on 01.01.1984, the Petitioners were eligible for rental compensation. The learned AGP submits

that this may be considered as an independent issue. He adds that the proceedings would be concluded within one year.

4. Having recorded the statements made as above, **this petition is disposed off**. Let the proceedings be completed within one year which is the timeline prescribed. If the issue of rental compensation arises or is raised, the appropriate authority would consider the same within the framework of law.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]