

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 10448 OF 2023

Rakesh Jaiprakash Bramhankar & Ors. ... Petitioners

V/s.

The State of Maharashtra and Ors. ... Respondents

Mr. Vineet Ahuja i/b. Mr. Prakash J. Ahuja for the Petitioners
Ms. Nisha Mehra, AGP for the Respondent - State

***CORAM : NITIN JAMDAR &
M.M. SATHAYE, JJ.***

DATE : 28 FEBRUARY 2024

P.C. :-

Heard the learned Counsel for the parties.

2. Reply affidavit is filed by the sub-Divisional Officer on behalf of the Respondent Nos.4 and 5 where it is stated in paragraph 9 as under :-

“9. I say that acquiring body have forwarded acquisition proposal on 21.07. 2022 to the Hon’ble Collector for acquiring the land Gat No. 238/2 of Village Girnare in respect of an area of 0.13.50 R for the purpose of Alandi Right Bank Canal Kilometer 14 and in pursuance

thereof land acquisition proceeding No.1/22 is pending before the Deputy Collector alias Sub Divisional Officer, Nashik and this concerned office has taken further steps to carry out the joint measurement plan through the Sub District Land Records Office. The Respondent Nos. 4 & 5 are filing the certified copies of the acquisition proposal forwarded to the Hon'ble Collector. The said documents are filed with the list of documents. It is further submitted by the acquiring body that, the compensation which will be determined by the Collector i.e. Respondent No.1 and Deputy Collector alias Sub Divisional Officer, Nashik under the provisions of 2013 Act will be paid to the Petitioner as per law."

3. It appears that the joint measurement has not yet been carried out. Thereafter, further steps will have to be taken by the Collector. Further, the Petitioner has also sought rental compensation from 29 January 1990 and the interest till realization of the compensation under Section 28 of the Right to Fair Compensation Act, 2013. The claim for the rental compensation is opposed by the learned AGP.

4. Since the aforesaid stand is taken by the State on affidavit where steps to be taken have been indicated, we deem it appropriate to set a time limit for the said purpose.

5. Accordingly, it is directed that the measurement be carried out through the Office of the District Land Records within a period of eight weeks and after the measurement is so carried out,

the Collector will initiate the process for acquisition within a period of eight weeks thereafter. We grant liberty to the Petitioners to make a representation to the Collector in respect of payment of rental compensation and interest, which the Collector would consider as per law and take necessary steps.

6. The Writ Petition is accordingly disposed of.

M.M. SATHAYE, J.

NITIN JAMDAR, J.