

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 8053 OF 2023

Kashyap kamendrakumar Pathak

Vs.

The State of Maharashtra and others

WITH

WRIT PETITION NO. 627 OF 2024

Shrikant Bhagwandas Patel and another

Vs.

The State of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Z.Z. Haq, Advocate for petitioner in W.P. No. 8053/2023
Shri U.J. Deshpande, Advocate for petitioner W.P. No. 627/2024
Ms T.H. Khan, AGP for respondent/State

CORAM : AVINASH G. GHAROTE AND
SMT M.S. JAWALKAR, JJ.

DATE : 03.09.2024.

There is no dispute that an area admeasuring 0.61 R from and out of the land of Gat No. 125, Mouza Dabki, within the limits of Akola Municipal Corporation has been taken possession of by the respondent No. 2 and the road thereupon has already been constructed. The notification under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is dated 20/03/2022, however, till date no award has been passed, depriving the petitioners of compensation in respect of the land which they own. The

learned Assistant Government Pleader does not dispute the above position, however submits that since there was an inter se dispute between the original land owner namely, Shrikant Bhagwandas Patel and another in Writ Petition No. 627/2024 and Kashyap Kamendrakumar Pathak, the petitioner in Writ Petition No. 8053/2023, in respect of the extent of the land claimed by them, the proposal for grant of compensation for acquisition could not be forwarded. Both the learned counsels for the petitioners in both the petitions jointly state, upon instructions, that out of the land admeasuring 0.61 R out of the land of Gat No. 125, since Shrikant Bhagwandas Patel and another have sold an area admeasuring 0.10 R to Kashyap Kamendrakumar Pathak out of which an area admeasuring 0.5 R is affected by the acquisition, he would be entitled to compensation to the extent of 0.5 R. The rest of the compensation in respect of the land affected to be received by Shrikant Bhagwandas Patel and another.

2. In view of this statement learned Assistant Government Pleader states, that the proposal for acquisition shall now be processed and the compensation calculated and paid to the petitioners in both these petitions in terms of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The learned Counsels for the petitioner also do not dispute that 0.61 R of land from and out of Gat No. 125 has been acquired which has already gone into the road, on

account of which, there is no necessity of demarcation. They also agree to remain present in the office of the respondent No. 2 on 13/09/2024 and waive of the notices.

3. In view of this statement, the petitions are disposed of by directing the respondent No. 3 to send a proposal to the respondent No. 2 by 12/09/2024. Respondent No. 2, thereupon, will commence the process of calculating the compensation and pass an award in terms of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by following the procedure.

(SMT M.S. JAWALKAR, J.)

(AVINASH G. GHAROTE, J.)