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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

16 WRIT PETITION NO. 424 OF 2025

VAIJNATH NAGURAO NEHARKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT COLLECTOR
AND OTHERS

WITH
18 WRIT PETITION NO. 426 OF 2025

ASHRUBA GANPATI NAGARGOJE DIED THR LRS MOHAN ASHRUBA
NAGARGOJE
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT COLLECTOR
AND OTHERS

WITH
119 WRIT PETITION NO. 1274 OF 2025

DATTU LIMBA KALBHERE DIED THR LRS MARUTI DATTU KALBHERE
AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.R.A.Deshmukh, Advocate for the petitioners in WP Nos. 424/2025
and 426/2025 and Mr.C.K.Shinde, Advocate for the petitioners in WP
No.1274/2025.

Mr.A.B.Girase, Government Pleader alongwith Mr.V.M.Kagne and
Mr.R.K.Ingole, for the respondent/State.

**(CORAM : MANGESH S. PATIL AND
PRAFULLA S. KHUBALKAR, JJ.)**

DATE : FEBRUARY 3, 2025

PER COURT :

1. We have heard the learned Advocates for the petitioners in all these petitions and as also the learned Government Pleader.

2. These set of petitions are different in the sense that one petition seeks implementation and execution of the award passed in the Lokadalat and in the others the award of Reference Court is waiting execution for recovery of the monies due under award for compulsory acquisition of lands.

3. It is being demonstrated that time and again this Court has been issuing directions so that the monies are paid to the land owners either pursuant to the decree of a Civil Court or the decree passed by a Lokadalat. This Court had even taken a suo-moto cognizance and had issued certain directions pursuant to which some mechanism was evolved by GR dated 03.04.2018, providing for constitution of Committees and implementation of directions leading to sequential distribution of compensation depending upon finality of the order either in the form of passing of the award or allowing of a reference by the Reference Court or passing of a decree / award in a lokadalat.

Nothing thereafter has reported to have happened pursuant to this GR.

4. Again a similar GR was issued on 23.11.2021 by changing the composition of the Committee. Still the things were not taken any further. It is thus evident that inspite of this Court having taken cognizance and pragmatically expected the State to evolve a policy for compensating the land owners sequentially, nothing concrete has come out.

5. Surprisingly, in PIL No.28/2022, at the Principal Seat in the matter of Bharat Tukaram Navale Vs. The State of Maharashtra and others, the issue was raised once again and the division bench passed the order on 19.06.2024 issuing some guidelines in paragraph No.10, which read as under :-

“10. In the light of the aforesaid discussion, we dispose of this PIL petition with the following directions :-

[a] For expeditious disposal of the execution proceedings and other proceedings pending in the Courts and also for ensuring timely payment of compensation and other related benefits to the land oustees, the State Government shall frame appropriate guidelines within a period of found months from today.

[b] Such guidelines shall be circulated to all concerned, and it shall be the duty of the department concerned to ensure that the guidelines are implemented and followed in their letter and spirit ;

[c] For the purpose of framing guidelines, we permit the petitioner to make his suggestions to the concerned department within a fortnight;

[d] In the proceedings pending under Sections 18 and 28-A of the Land Acquisition Act, 1894, it will be open to the parties concerned to make appropriate application before the Court concerned seeking expeditious disposal of the proceedings, and in case such application is made, same shall be considered by the Court concerned with utmost seriousness and expedition.

[e] We further direct that in such proceedings where the State, its authorities and instrumentalities are parties, they shall fully co-operate for expeditious disposal of the proceedings before the Court concerned;

[f] This order shall be placed before the Registrar General of this Court to taking steps to issue an appropriate circular to the Court in the State of Maharashtra for ensuring expeditious disposal of the proceedings, under Section 18 and 28A of the Land Acquisition Act, 1894, including execution proceedings.”

6. Conspicuously, the orders / directions issued by this Court at this bench in PIL No.34/2017 were not brought to the notice of the division bench which passed the aforementioned order at the Principal Seat. Even the circulars issued or the GR's dated 03.04.2018 and

23.11.2021 were not brought to the notice of that division bench. The whole thrust has been on expeditious payment of compensation to the land owners in respect of the lands acquired under the relevant laws compulsorily.

7. The experience has demonstrated that even after entering into a settlement at a Lokadalat, the State machinery and the State instrumentalities have been unable to pay the compensation agreed much less in a stipulated time. Though it is being pointed out that the Government Resolution was passed on 16.02.2022, laying down some guidelines for making payment of compensation in respect of Lokadalat awards within 6 months, in effect that does not happen. In the matter of Vasudeo Sonu Patil and another Vs. The State of Maharashtra, and others, WP No.11760/2021 and connected matters, a division bench of this Court had elaborately dealt with the plight of such land owners. The observations, which according to us are relevant, read as under :-

“9. We would be failing in our duties if we do not consider the plight of all farmers who are not before the Court, alongside these petitioners, as they are identically situated and have not been able to reach this Court for reasons best known to all, which is primarily due to lack of finances. It cannot be ignored that, for the farmers in the Marathwada Region,

life has always been a long, tenacious and a painful struggle. In a largely infertile land, shortage of water as this area is in the rain shadow region, lack of adequate water bodies, save and except reliance being on the Jayakwadi dam which was constructed as long ago as in 1972, the fact is that the farmers count and face each day of their lives as it comes. This is surely a pitiable condition. Nevertheless, it would be showing disrespect to these farmers in particular and humanity in general, if the authorities or even this court indicates any show of pity towards them. It is their legal right to get compensation and for a person who is vested with a legal right, the demand for justice goes hand in hand. Those who have legal right, ought not to be made to beg for justice, rather it is their right to demand justice. Taking into account our experience in these cases, we, therefore, direct the State Government that henceforth, without any expectation, they would ensure that the compensation amounts to the farmers who have entered into Lokadalat settlements, shall be paid within 180 days, as per the G.R. dated 26 .07.2021. Failing to make such payments would legally entail interest component, which would be calculated and the officers who would be responsible for the delay, shall have to pay the said interest component from their salary.”

8. In spite of such happenings, the issue is still at square one else these petitioners would not have been required to approach this Court.

9. So far as the awards passed by the Reference Court regarding which they have preferred execution proceedings, we direct the Executing Court concerned to take drastic and emergent steps for attaching the properties of the acquiring bodies or the Government, sell it, realize the money and disburse to the concerned petitioners within three months. This should be done with expected zeal and in an efficient and urgent manner. Else, it would be a failure of the Courts in bringing the fruits of the awards / decrees to the rightful claimants.

10. As far as the awards passed in the Lokadalat, respondent Nos. 2 and 3 to take urgent steps and pay the compensation to the petitioners as expeditiously as possible and in any case within 3 (three) months.

11. If the monies are not paid within the stipulated time as directed, it would carry interest @ 12% p.a., 50% of which shall be recoverable from the persons who are responsible for the delayed payment and the task of fixing the responsibility shall rest with respondent No.2 / Collector.

12. During the course of dictation, the learned Government Pleader places before us another Government Circular dated 29.11.2024 that was issued apparently in the light of the directions of the bench at Nagpur, wherein a similar issue regarding delay in payment of compensation in the matter of awards passed by the Reference Court and consequential directions for payment of interest for the delayed payment was apparently considered and decided. It directs the responsibilities to be fixed on the individuals either for not undertaking the acquisition process as contemplated in the concerned legislation, not disbursing the amounts of compensation, responsibility fixed for payment of interest on the delayed payment of compensation etc.

13. As can be gathered, this seems to be another attempt by the State aimed at the same direction. It is not a matter of policy, rather it is a matter of implementation of the policies which already occupy the field, that too over and above the responsibility of a State in the matter of acquisition of individual properties, which is a constitutional and a human right as held in **Tukaram Kana Joshi and Ors. thr. Power of Attorney Holder Vs. M.I.D.C. and Ors., Civil Appeal No. 7780 of 2012**

(Arising out of SLP (C) No. 2418 of 2012).

14. The petitions stand disposed of.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)