



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3016 OF 2020

1. Ramesh s/o Dagdu Chavan
age 41 years, occ. Agri
r/o Kawda, Tq. Jintur, Dist. Parbhani
 2. Vijay s/o Dagdu Chavan
age 45 years, occ. Agri
r/o Kawda, Tq. Jintur, Dist. Parbhani
- .. Petitioners

versus

1. The State of Maharashtra
Through its Secretary
(Employment Guarantee Scheme)
Planning Department, Mantralaya,
Mumbai 32.
2. The Divisional Commissioner,
Aurangabad, Tq. & Dist. Aurangabad.
3. The Collector, Parbhani
Tq. & Dist. Parbhani
4. The Deputy Collector (Employment Gurantee
Scheme) Parbhani
Tq. & Dist. Parbhani.
5. The Deputy Collector, (General Administration
Department), Parbhani
Tq.& Dist. Parbhani
6. The Deputy Collector & The Land Acquisition
Officer, Sailu, Tq. Sailu, Dist. Parbhani
7. Sub-Divisional Officer & The Land Acquisition
officer, Sub-Division Office, Sailu
Tq. Sailu, Dist. Parbhani

8. Executive Engineer
Small Scale Irrigation (Water Conservation) Divisional
Jalna, Tq. & Dist. Jalna.
 9. The District Water Conservation Officer
Soil and Water Conservation Division, Jalna
Tq. & Dist. Jalna.
 10. Deputy Divisional Officer
Soil & Water Conservation Department
Parbhani, Tq. & Dist. Parbhani
 - 10-A The Superintendent,
Land Records Office, Sailu & Parbhani
Dist. Parbhani .. Respondents
- Mr. Y. R. Barhate, Advocate for the Petitioners.
Mr. A. B. Girase, GP for the State.

**CORAM : ALOK ARADHE, C.J. &
S. G. CHAPALGAONKAR, J.**

DATE : 20th MARCH, 2025.

ORAL JUDGMENT : (PER : CHIEF JUSTICE)

1. Rule. Rule is made returnable forthwith. By consent of the learned Counsel for the parties, the Writ Petition is heard finally.
2. In this Writ Petition, the Petitioners have assailed the order dated 02.11.2019 issued by the Collector by which, the Petitioners have been informed that the proceeding under The Right to Fair Compensation and Transparency in Land Acquisition,

Rehabilitation and Resettlement Act, 2013 (for short 'The Act of 2013') has been dropped.

3. The facts giving rise to filing of this Petition in nutshell can be stated that the Petitioners are the agriculturists and are the owners of land Gat No. 79, admeasuring 01.66 R, situated at village Kavi, Tq. Jintur, Dist. Parbhani. A proceeding for acquisition of the aforesaid land for construction of percolation tank was initiated under the Act of 2013. Panchanama is prepared on 30.07.2019 stating that the possession of the land has been taken over from the Petitioners. However, thereafter by a communication dated 02.11.2019, the Petitioners were apprised that the State Government does not intend to proceed further with the acquisition proceeding under the Act of 2013 and the same is dropped. Hence, this Petition.

4. Learned counsel for Petitioners has invited attention of this Court to Section 93(2) of the Act of 2013 and has submitted that whenever the Collector decides to withdraw from the acquisition of the land, he shall determine the amount of compensation due for the damages suffered by the owners in consequence of the notice of any proceeding and shall pay such amount to the person interested

together with costs. It is further submitted that the Writ Petition be disposed off with a direction to the Collector to take action in terms of Section 93(2) of the Act of 2013.

5. The aforesaid submission has not been opposed by learned GP.

6. We have considered rival submissions made on behalf of both the sides and have gone through the provisions of Section 93(2) of the Act of 2013 which read thus :-

93. Completion of acquisition not compulsory, but compensation to be awarded when not completed.

(2) Whenever the appropriate Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

7. Thus, in the instant case, proceeding under the Act of 2013 was initiated however, the State Government has subsequently withdrawn the proceeding and therefore, the Collector is under

statutory obligation to determine the question of damages suffered by the owner in consequence of the notice or of any proceeding under the Act of 2013 and to pay the same.

8. In view of the above, the Writ Petition is disposed off with a direction to take requisite action as mandated under Section 93(2) of the Act of 2013 within a period of four months from the date of receipt of copy of this order.

(S. G. CHAPALGAONKAR, J.)

(CHIEF JUSTICE)

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