



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6598 OF 2016

**UDDHAV DHARMA RATHOD AND
BABURAO DHARMA RATHOD**

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Shri D.K. Thote, Advocate i/by Shri Rahul R. Deshmukh and
Shri G.D. Patil, Advocates for the Petitioners.

Shri Atul R. Kale, AGP for Respondent Nos.1 and 5.

None appears for Respondent Nos.2 to 4.

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CORAM : ALOK ARADHE, CJ.

&

RAVINDRA V. GHUGE, J.

DATE : 19th March, 2025

ORAL ORDER (Per Ravindra V. Ghuge, J.) :-

1. The Petitioners have put forth prayer clauses B and C, as under:-

“B) Rule may kindly be made absolute and by allowing this writ petition respondent may kindly be directed to initiate land acquisition proceedings as per the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and pay the compensation and rent of the land at the rate of 8% of the land from the date of possession with 12% interest, to the petitioners for their respective lands, as possession of petitioners lands has been taken in August, 2006 for construction of Maltondi Percolation Tank No. 9, situated at village

Maltondi, Tal. Mantha, Dist. Jalna.

- C) *During pendency of this writ petition by way of interim relief the respondents may kindly be directed to pay provisional compensation and rent of the land to the petitioners for their respective lands, as possession of their lands has been taken in August, 2006 for construction of Maltondi Percolation Tank No. 9, situated at village Maltondi, Tal. Mantha, Dist. Jalna.”*

2. Agricultural lands of these two Petitioners in Gat No.32, admeasuring 1 H 72 R and 1 H 292 R, respectively, were taken possession of on 12.08.2006, for the purpose of construction of the Maltondi Percolation Tank No.9, Taluka Mantha, District Jalna. Consent letters were taken from the Petitioners for acquisition of land and advance possession was admittedly on 12.08.2006 taken, for the purpose of construction of the percolation tank. It is undisputed that the percolation tank has been constructed long ago and the contractors have been also paid their dues. It is only these unfortunate Petitioners, who are waiting for the last 18 years for receiving compensation.

3. The learned AGP submits, on instructions, that considering the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and

Resettlement Act, 2013 (for short, 'the 2013 Act'), the petitioners' claim will now be decided in terms of the 2013 Act. He expresses his grievance that the Zilla Parishad, Jalna, has not yet forwarded the proposal under the new Act of 2013, keeping in view that earlier proposal forwarded under the Land Acquisition Act, 1894, has already lapsed.

4. The learned AGP, therefore, submits that if this Court directs the Acquiring Authority/ Zilla Parishad, Jalna, to tender the proposal within the timeline, the State Authorities would deal with the proposal as per the provisions of the 2013 Act, within such timeline as this Court may direct.

5. None appears for the Zilla Parishad, Jalna, despite service of notice and this matter being 9 years old.

6. In view of the above, this Writ Petition is partly allowed with the following directions:-

(a) Respondent No.2/ Zilla Parishad, Jalna, shall forward the proposal complete in all respects to Respondent No.5 within a period of 30 (thirty) days from today.

(b) Thereafter, Respondent No.5 would follow the due

procedure laid down in law and the Revenue Authorities/ State would ensure that the proposal results into an award under the provisions of the 2013 Act, within a period of 180 days, thereafter.

(c) Needless to state, the amount of compensation quantified would be paid to the Petitioners within 45 (forty five) days thereafter along with the interest component etc. as may be permissible in law.

(RAVINDRA V. GHUGE, J.)

(CHIEF JUSTICE)

(Kalyan Sangvikar, PS)