



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3958 OF 2021

Nandabai Pralhad Somvanshi And Another
VERSUS
The State Of Maharashtra And Others

...

- Mr. Devidas R. Shelke, Advocate for the Petitioners
- Mr. A. R. Kale, Addl.GP for Respondent Nos. 1 to 6

...

CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.

DATE : 11.09.2025

PER COURT :

1. It is the case of the petitioners that although the lands were acquired, no compensation has been paid till date. It appears that there was confusion in the gut numbers, due to which although award was passed under the Land Acquisition Act, 1894, the compensation could not be disbursed due to the aforesaid confusion.

2. In the reply affidavit filed on behalf of respondent Nos. 4 to 6, including the Special Land Acquisition Office for the Jayakwadi Project – 2, which has been filed by the Sub-Divisional Officer, the following statement is made in paragraph No. 7:-

“7. I say and submit that, after the completion of the preliminary inquiry, the Joint Measurement Survey, if at all the respondent No. 7

comes to the conclusion that, the land of the present petitioner No. 2 in Gut no. 89 of village Fakirabadwadi Tq. Vaijapur and the land of the petitioner No.1 in Gut No. 263 of village Ladgaon, Tq. Vaijapur has been acquired and taken in possession by the acquiring agency i.e. respondent No. 7 for the canal then in that event, the respondent No. 7 is require to submit a fresh land acquisition proposal, either in accordance with the provisions of the Right Fair Compensation Act, 2013 or as per the policy of the Land Acquisition by direct purchase in the office of the respondent no. 4 and 6.”

3. In the light of the aforesaid statement made in the above quoted paragraph, the writ petition itself can be disposed of by issuing appropriate directions.

4. Even the acquiring body, i.e. respondent No. 7 has indicated in its affidavit in reply that appropriate exercise will have to be undertaken, including the exercise of joint measurements and once the confusion regarding the gut number is sorted out, a fresh proposal for acquisition can be moved under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013.

5. Considering the aforesaid stand taken on behalf of the respondents, the writ petition is **disposed of** by directing that the respondents shall undertake an appropriate exercise of joint measurements survey and thereupon, a fresh proposal for land acquisition shall be moved under the Right to Fair Compensation and

Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013, so that the petitioners are paid just and fair compensation for acquisition of their lands.

6. The aforesaid exercise be completed as expeditiously as possible, preferably within one year from today.

7. Pending applications, if any, also stand disposed of.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)