



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2709 OF 2022

1] Babasaheb Natha Bansode
2] Kesarbai Pralhad Bansode

.. Petitioners

Versus

The State of Maharashtra
Through its Secretary
Agricultural Department,
Maharashtra, Mantralaya,
Mumbai - 32 and others

.. Respondents

...
Advocate for the petitioners : Mr. Dnyaneshwar Gaikwad
AGP for the respondent – State : Mr. S.J. Salgare
...

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

DATE : 20 MARCH 2025

ORAL ORDER (PER – CHIEF JUSTICE) :-

Rule. Rule made returnable forthwith. With the consent of the parties, heard finally.

2. In this petition, the petitioners have prayed for the following prayers :-

"A) By an order this Hon'ble Court, Rule be issued and made returnable forthwith.

B) By an order of this Hon'ble Court, hold and declare that the land acquisition proceeding initiated pursuant to Section 4 Notification dated on 04/02/2006 on corning to the petitioner agriculture land have been lapsed.

C) By issuing appropriate writ, directions or orders in the like nature, and notification dated on 04/02/2006 issued by the respondent no.3 acquiring land of the petitioner may kindly be quashed and set aside for that purpose issue necessary orders.

D) By issuing appropriate writ, directions or orders in the like nature, respondent no.3 may kindly be directed to pass fresh award by determining the compensation as per the provision of Right to Fair Compensation and Resettlement Act, 2013 and for that purpose issue necessary orders.

E) By an order of this Hon'ble court, direct the respondent authorities to made fresh award as per the today's market rate of the petitioner acquired land.

F) By issuing appropriate writ, directions or orders in the like nature, respondent no.3 may kindly be directed to pay rental compensation of acquired land from year 2006, as per the provision of said Act and for that purpose issue necessary orders.

G) By an order of this Hon'ble court issue appropriate directions to the respondents authorities so as to Alternatively return the possession of the agriculture land bearing Gut No.267 situated at village Ektuni Tq.Paithan, District Aurangabad to the present petitioner.

H) The respondent be kindly directed to deposit 50% toward part of compensation immediately in this Hon'ble court before final disposal of this writ petition.

I) Any other suitable and equitable relief may kindly be granted in favour of the petitioner."

3. When the matter was called out, learned counsel for the petitioners and respondents jointly submit that the controversy involved in the instant petition, is no longer *res integra* and has been decided by a Division Bench of this Court vide order dated 17.03.2025 passed in writ petition no. 1869 of 2022. Copy of the said order is taken on record and marked as 'X' for the purpose of identification.

4. In view of aforesaid submission and for the reasons mentioned in the said order (supra), the petition is disposed of with the following directions :-

- (i) The acquiring body is directed to deposit the measurement charges with respondent no. 6 within a week from today.
- (ii) Respondent No. 6 shall initiate the measurement process within two weeks thereafter and submit the measurement report to respondent No. 4 by following due procedure of law within further period of three (3) weeks.
- (iii) After the measurement report is received, respondent No. 4 should proceed to pass the award according to law. The award should be passed within one year thereafter by granting an opportunity as is available under the law to the petitioners.

5. Rule is made absolute accordingly.

[S.G. CHAPALGAONKAR, J.]

[CHIEF JUSTICE]

arp/