



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
50 WRIT PETITION NO. 2894 OF 2022

LAXMAN LAHU ADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Advocate for the Petitioner : Mr. Solanke Shikrashna B.
AGP for Respondent/State : Mrs.R.R.Tandale

...

CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.

DATE : 10th FEBRUARY 2025

PER COURT :

1. We heard the respective counsels and find that the acquiring body was prima facie at fault in not responding with proper reply to the letter of Land Acquisition Officer (in short 'L.A.O'). Though the statement was made in the affidavit-in-reply on 17.06.2023 that a fresh proposal would be submitted within two weeks, no steps were taken. Admittedly, the land has been acquired long back and it has already been used for the purpose for which it was proposed to be acquired. In fact it is enjoying the property of the private persons without following due procedure of law.

2. It seems that the officer under the power have encroached upon the land of the petitioners. Even in such a case we must appreciate the conduct of the petitioners that instead of taking any coercive action against the officers, they have simply prayed that

award should be passed. They are running pillar to post since 2005 for the compensation and lastly has to approach this court for seeking directions. Even then the acquiring body was not serious. They have taken it very lightly. After this Court directed on last date to the officer to remain present, immediately at the electric speed they have sent proposal to the District Collector/L.A.O.

3. It seems that unless the court issues directions, the administrative officers do not awake. This is purely the carelessness and no sensitivity about the job. The court expresses an opinion that the cost should be imposed upon the responsible officers. Two officers namely Mr. Suraj Nanasaheb Shinde who has been transferred after the nine months of the affidavit-in-reply and currently the officer namely Mr.Yatin Kothawale was also not so prompt in discharging their official duties. Respondents expresses that they are voluntarily ready to pay the cost of Rs. Twenty Five Thousand (Rs.25,000/-) each to the petitioners. Petitioners prays that the L.A.O should be directed to complete the land acquisition proceedings within statutory period.

4. Hence, we dispose of this writ petition by directing Respondent No.2/L.A.O to decide the proposal of respondent no.3 for acquisition of land in dispute within statutory period, provided that the acquiring body should promptly respond to the L.A.O if he asks for any details.

5. Soon after the award is passed, the compensation be released to the person who has a better title over the land acquired and no third party interest is raised.

6. The above named officers of the acquiring body should pay Rs. Twenty Five Thousand (Rs.25,000/-) each to the petitioners within two weeks either by RTGS/NEFT or Demand draft (DD). For that purpose, either of petitioners should furnish the bank account details and then divide it equally.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

vsj..