

Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15408 OF 2024

- 1] **Uddhav S/o Dhondiba Dandwate**
Age:75 Years, Occu:-Agri
- 2] **Laxman S/o Sukhdeo Shinde**
Age:- 54 years, Occu:- Agril,
All R/o. Kanhur Mesai (Yemaidara)
Tq. Shirur, Dist. Pune. ...Petitioners

Versus

- 1] **The State of Maharashtra**
Through The Secretary Revenue &
Forest Department Mantralaya Mumbai 32.
- 2] **The Collector,**
Pune-1, Dist. Pune
- 3] **Sub-Divisional Officer @**
Special Land Acquisition Officer
No. 26
Old Z.P. Pune-1 Dist. 1 Pune
- 4] **The District Water Conservator Officer**
Soil and Water conservation Division
Yerwada Pune, Dist. Pune
- 5] **Sub-Divisional Water Conservator Officer**
Soil and Water Conservator Department
Shirur, Dist. Pune. ...Respondents

Mr Sahil Choudhary, i/b, Mr Ninad P Patil, for the Petitioners.

Ms S. S. Bhende, AGP, for the Respondent-State.

**CORAM M.S. Sonak &
 Jitendra Jain, JJ.**

DATED: 08 May 2025

ORAL JUDGMENT *Per M. S. Sonak, J*

1. Heard Mr Choudhary for the Petitioners and Ms Bhende the learned AGP for all the Respondents.
2. Rule. The Rule is made returnable immediately at the request of and with the consent of the learned Counsel for the parties.
3. The Petitioners' contention is that their properties bearing Gat Nos. 642 and 645 in village Kanhur Mesai (Yemaidara), Taluka Shirur, Pune admeasuring 2 Hectares 09 Ares was acquired for percolation tank without following the due process of law and on the promise that compensation would be paid to them. This was in the year 2004. The Petitioners contend that since last 21 years, no compensation has been paid to the Petitioners because no acquisition proceedings were initiated or concluded for all these years.
4. Ms Sneha Kisave Deovkate, Sub-Divisional Officer ("SDO"), Pune City Shirur Division, Pune (R3) has filed an affidavit in this matter. The affidavit does not dispute the Petitioners' contention about 2 Hectares 09 Ares land being taken over for the construction of the percolation tank.
5. The affidavit states that the subject land has to be acquired and for this, the SDO, has entered into correspondence with the acquiring body i.e., Respondent No. 5. The affidavit states that various letters have written to the acquiring body to submit all the required documents for acquisition of the subject land. Finally, paragraph 6 of the

affidavit states that after receipt of all the necessary documents from the acquiring body, further action will be taken in accordance with law as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (“the 2013 Act”).

6. Thus, in effect, the Respondents admit to the taking over of Petitioners’ land without following the due process. The Respondents also admit that they are required to acquire this land and pay compensation to the Petitioners. However, a vague statement is made that correspondence is going on between the SDO and the acquiring body and after the acquiring body submits the necessary documents, steps for acquisition under the 2013 Act would be taken. All this vagueness, lethargy and bureaucratic delays are not acceptable. If the Petitioners’ property has been taken over without following the due process of law, immediate steps should be taken to initiate and conclude acquisition proceedings and compensation amount must be paid to the Petitioners. This issue of submitting documents is something internal to the land acquisition authorities and the acquiring department. Simply because for last almost 21 years this has not been done for reasons best known to the Respondents, the Petitioners cannot be made to suffer any further.

7. The property right may not be a fundamental right but it is a constitutional and human right. One of the essential facets of the rights guaranteed by Article 300A is expeditious conclusion of acquisition proceedings and the payment of compensation once a citizen is deprived of his property.

8. Mr Coudhary has submitted a chart giving details of the area of land each of the Petitioners taken over by the Respondents. Based on the ready reckoner, this chart indicates that the basic minimum market value corresponding to 2 Hectares 09 Ares would come to Rs. 19,12,350/-. The chart also applies the multiplier under Section 26, the solatium under Section 33 concludes that the compensation that would reasonably become payable would be Rs. 76,49,400/-. Mr Choudhary states that directions should be issued to immediately pay this amount on account because even acquisition proceedings are otherwise invariably delayed by the Respondents.

9. Although, for the present, we do not think it appropriate to direct payment of almost Rs. 76.49 lakhs, we agree with Mr Choudhary that a case has been made out for directing the Respondents to pay some interim compensation to the Petitioners. The record shows and there is no dispute that the Petitioners' land was taken over in 2004 and till date they are not in receipt of any compensation.

10. Accordingly, we direct the Respondents to pay to each of the Petitioners compensation in terms of the following chart within six weeks from the date of the uploading of this order.

A	B	C	D	E	F
Sr No.	Names as per Measurement Sheet and original Petitioners	Gut No.	Acquired Area Hector/R	Basic Rates of Dry Land as per Ready Reckoner Per Hector	Basic (Minimum) Market Value of Acquired Area (D x E = F)
1	Uddhav Dhodiba Dandawate	642	1.79	9,15,000	Rs. 16,37,850/-
2	Laxman Sukhadeo Shinde	645	0.3	9,15,000	Rs. 2,74,500/-
	Total :-		2.09		Rs. 19,12,350/-

11. The above amount of Rs. 19,12,350/- must be deposited in this Court on or before 30 June 2025 after giving advance intimation to the learned Counsel for the Petitioners. Upon deposit of this amount, the learned Counsel for the Petitioners must furnish bank details of each of the Petitioners and the registry, in accordance with the above chart, must transfer the amounts to each of the Petitioners' account. The registry must complete this exercise within 15 days of the learned Counsel for the Petitioners furnishing the bank details.

12. The above amount is only tentative and may be accepted by the Petitioners without prejudice to their contention that they deserve higher compensation. This amount must be adjusted against the amount that the Land Acquisition Officer will ultimately determine in this matter.

13. The Respondents are jointly and severally directed to initiate and conclude the acquisition proceedings within one year from today. This will include making an award and paying the compensation due to the Petitioners and also other persons whose lands are acquired for this percolation tank project.

14. Ms Bhende, learned AGP speaks about administrative approvals and other bureaucratic procedures. We are least impressed by such submissions. For last 21 years, the Respondents have done virtually nothing and deprived the Petitioners of compensation after their lands were taken over without following the due process of law. The payment of compensation or the conclusion of acquisition proceedings should now, not be delayed on account of approvals and other bureaucratic procedures. All such matters must be fast tracked

so that the timeline now indicated by us is adhere to. If there is delay, the Revenue Secretary must find out the officials who are responsible for such delay and fix the responsibility on such officials. On account of delay by such officials, the State, cannot be forced to pay higher compensation or interest at higher rates.

15. The Rule is made absolute in the above terms without any costs order.

16. All concerned to act on an authenticated copy of this order.

(Jitendra Jain, J)

(M.S. Sonak, J)