

Amol

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 15411 OF 2024

- 1] Laxman S/o. Shripati Dalimkar**
Age:56 Years, Occu:-Agri
 - 2] Mahadu S/o. Shripati Dalimkr**
Age:- 53 years, Occu:- Agril,
 - 3] Sonyabapu S/o. Shripati Dalimkar**
Age 55 years, Occu:- Agril,
 - 4] Balasaheb S/o. Shripati Dalimkar**
Age 48 years, Occu:- Agril,
 - 5] Popat @ Prashant S/o. Shripati Dalimkar**
Age:- 45 Years, Occu:- Agril
 - 6] Ramdas S/o. Gitaram Supekar**
Age:- 67 years, Occu:- Agril,
 - 7] Laxman S/o. Gitaram Supekar**
Age:- 55 years, Occu:- Agril,
 - 8] Jaysing S/o. Kisan Dalimkar**
Age:- 59 years, Occu:- Agril,
All R/o. Babhulsar Khd. 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

AMOL
PREMNATH
JADHAV

Digitally signed by
AMOL PREMNATH
JADHAV
Date: 2025.05.09
15:32:23 +0530

- 3] **Special Land Acquisition Officer**
No. 26
(Krishna Khore) @ Sub Divisional
Officer Pune,
New Administrative Building,
Opp to Vidhan Bhavan (First Floor)
Pune-1 Dist. Pune.
- 4] **Sub-Divisional Officer**
Old Z.P. Pune-1 Dist. 1 Pune
- 5] **The District Water Conservator Officer**
Soil and Water conservation Division
Yerwada Pune, Dist. Pune
- 6] **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 contend that their property bearing Gut Nos. 24, 25, 26, 28, 29, 30, 31 in village Babulsar, Taluka Shirur, Pune admeasuring 4 Hectares 74 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 for the 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 (R4) has filed an affidavit in this matter. The affidavit does not dispute the Petitioners’ contention about 4 Hectares 74 Ares of land being taken over to construct the percolation tank. However, on instructions, Ms Bhende, the learned AGP, states that the total land acquired for this project is 4 Hectares 74 Ares, out of which the Petitioners’ land would be only 3 Hectares 41 Ares. For the present, we do not go into this controversy and leave this issue open.

5. The affidavit substantially does not dispute the petitioners’ contentions and states that the subject land has to be acquired. For this, the SDO has entered into correspondence with the acquiring body, i.e., Respondent No. 5. The affidavit states that various letters have been written to the acquiring body to submit all the required documents for the 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 the Petitioners’ land without following due process. The Respondents also acknowledge that they must acquire this land and compensate 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 will be taken.

7. All this vagueness, lethargy and bureaucratic delays are not acceptable. Suppose the Petitioners’ property has been taken over without following the due process of law. In that case, immediate steps should be taken to initiate and conclude acquisition proceedings, and the compensation amount must be paid to the Petitioners. This issue of submitting documents is internal to the land acquisition authorities and the acquiring department. Simply because, for almost 21 years, this has not been done for reasons best known to the Respondents, the Petitioners cannot be made to suffer any further.

8. Property rights may not be fundamental, but they are constitutional and human rights. One of the essential facets of the rights guaranteed by Article 300A is the expeditious conclusion of acquisition proceedings and the payment of compensation once a citizen is deprived of their property.

9. 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 4 Hectares 74 Ares would be Rs. 62,92,350/-. 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. 2,51,69,400/-. Mr Choudhary states that directions should be issued to immediately pay this amount because even acquisition proceedings are otherwise invariably delayed by the Respondents.

10. Although, for the present, it is not appropriate to pay almost Rs. 2.51 Crores directly, 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 they are not in receipt of any compensation to date.

11. Without prejudice to the controversy of whether the Petitioners acquired land admeasures 4 Hectares 74 Ares or it admeasures only 3 Hectares 41 Ares, 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	Gut No	Acquired Area Hecter/R	Basic Rates of Dry Land as per Ready Reckoner Per Hector	Basic (Minimum) Market Value of Acquired Area (D x E = F)
1	Jaysing Kisan Dalimkar	24	0.17	1327500	₹ 2,25,675
2	Yedu Kisan Dalimkar	25	0.24	1327500	₹ 3,18,600
3	Luma Rama Dalimkar	26	0.5	1327500	₹ 6,63,750

4	Shripati Sadu Dalimkar	28	0.35	1327500	₹ 4,64,625
5	Luma Rama Dalimkar & others	29	0.07	1327500	₹ 92,925
6	Ramdas Gitaram Supekar & others	30	1.26	1327500	₹ 16,72,650
7	Popat Shripathi Dalimbkar	31	2.15	1327500	₹ 28,54,125
	Total :-		4.74		₹ 62,92,350

12. The above amount of Rs. 62,92,350/- 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 Petitioner and the registry, in terms of column F of the above chart, must transfer the amounts to each Petitioner's account. The registry must complete this exercise within 15 days of the learned Counsel for the Petitioners furnishing the bank details.

13. 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 the Land Acquisition Officer will ultimately determine. The controversy regarding the precise area of the Petitioners' land is also kept open and not concluded.

14. The Respondents are jointly and severally directed to initiate and conclude the acquisition proceedings within one year from today. This will include awarding and paying compensation to the Petitioners and other persons whose lands have been acquired for this percolation tank project. The SLAO must file compliance reports on 30 June 2025

[regarding the deposit of the above amount] and 30 June 2026 [regarding the conclusion of the acquisition proceedings] with advance copy to the learned counsel for the petitioners.

15. Ms Bhende, learned AGP, speaks about administrative approvals and other bureaucratic procedures and requests us to record her submission. We are least impressed by such submissions. For the 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 not now be delayed on account of approvals and other bureaucratic procedures. All such matters must be fast-tracked so that the timeline we now indicate is adhered to. If there is a delay, the Revenue Secretary must find out the officials responsible for such a delay and fix the responsibility on such officials. Because of the delay by such officials, the State cannot be forced to pay higher compensation or interest at higher rates.

16. The Rule is made absolute in the above terms without any costs order. All concerned to act on an authenticated copy of this order.

(Jitendra Jain, J)

(M.S. Sonak, J)