



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1995 OF 2026

1. Vishwanath s/o Kashinath Bhusare
Age: 75 years, Occu.; Agri.,

2. Devidas s/o Kashinath Bhusare
Age: 80 years, Occu.: Agri.,
Both R/o. Mudeshwadgaon,
Tq. Gangapur, Dist. Aurangabad

.. Petitioners

Versus

1. The State of Maharashtra
Through its Principal Secretary
Irrigation Department
Mantralaya, Mumbai-32.

2. The Collector, Aurangabad,
Dist. Aurangabad.

3. The Special Land Acquisition Officer,
Jayakwadi Project, Aurangabad,
Dist. Aurangabad.

4. The Executive Engineer,
Nandur-Madhmeshwar Irrigation
Division, Gangapur,
District Aurangabad.

.. Respondents

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Mr. Baliram B. Shinde, Advocate for the petitioners.

Mr. S. B. Pulkundwar, AGP for respondent Nos.1 to 3/State.

Mr. Akash Gade, Advocate for respondent No.4.

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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 04 MARCH 2026

ORDER (Per Hiten S. Venegavkar, J.) :-

. This is yet another excellent example of the matters pertaining to the land acquisition, where the State Government has acquired the land without making payment of compensation to the affected land owners.

2. In the present case, the land acquisition was initiated in the year 1979 and the Award was passed in the year 1983. The possession of the land was taken in the year 1979 from the land owners. The matter was carried in reference as the present petitioners were aggrieved by the meager amount of compensation awarded by the Government for the acquisition of their agricultural lands. The said reference came to be decided on 09.12.1988, thereby deciding the reference in favour of the present petitioners. In spite of the reference having been decided by the competent Court and the compensation amount having been enhanced, neither the department for which the land was acquired deposited the compensation amount, nor did the authorities who initiated the acquisition proceedings on behalf of the acquiring department make any efforts to pay the awarded amount. The petitioners in the present petition have pleaded that time and again they had approached the authorities with a request to make payments in accordance with the reference order, however, the record does not suggest that any efforts were taken by any authority to abide by the orders of the Court or even the statutory Award

that was passed. The petitioners, therefore, on 08.07.2024 again submitted a written application requesting the authorities to pay the compensation amount within the stipulated period along with statutory interest in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “the Act”). We have perused the orders passed in the reference proceedings as well as the copy of Award, which are annexed to the petition and we find that there has been complete negligence on the part of the Government authorities to complete the acquisition proceedings by disbursing the Award amount to the present petitioners. Due to the negligence of the departments, it is noticed that the initially awarded amount of Rs.9,212/- along with solatium of Rs.1,202/- has now increased with interest to Rs.61,861/-. The Government will therefore have to bear the interest component required to be paid to the petitioners. Merely because of the sheer negligence on the part of its officers, the interest amount will ultimately be borne by the public State Exchequer. We have already dealt with this situation in Writ Petition No.13381 of 2025 decided on 17.02.2026, however, the implementation of that judgment is still awaited.

2. Learned AGP appearing for respondent Nos.1 to 3, upon instructions from the authorities, makes a statement that the amount

submitted to the Court by way of fresh calculations till date i.e., Rs.61,861/-, including the interest component, will be paid to the petitioners. The said statement is accepted as an undertaking. The respondent authorities shall, without fail, comply with the said statement, irrespective of whether the amount has been deposited with the acquiring department or not.

3. Learned Advocate for respondent No.4 is also present and assures this Court that the amount of compensation along with the interest component as recorded above and submitted to this Court will be deposited with the office of respondent No.3 within a period of one week from today. The assurance is accepted as a statement and undertaking to this Court on behalf of respondent No.4.

4. Now, the issue which requires to be taken into consideration is that the authorities, who have shown their negligence towards the statutory proceedings, which are required to be completed within the stipulated period, have failed to do so and, therefore, this Court cannot shut their eyes for causing hardships to the persons like petitioners merely because the authorities have failed to discharge their duties. The authorities have also submitted an explanation to the office of Government Pleader regarding the steps taken after the petitioners' representation dated 25.07.2024 was received by their office. It is very unfortunate to note

that in the explanation the entire blame and burden has been placed upon one deceased employee stating that the said employee neither acted upon the representation, nor forwarded the same to the concerned desk. This is truly unfortunate that the entire office of respondent No.3 was relying solely on a single person for its functioning. We do not accept this explanation and reject the same. We, therefore, think it appropriate that in the present case, the office of the Land Acquisition Officer, Vaijapur, shall make a payment of costs of Rs.30,000/- to petitioner No.1 and respondent No.4 shall make a payment of costs of Rs.30,000/- to petitioner No.2. The amount of costs shall be submitted to this Court by way of a cheque or demand draft in the name of the petitioners within a period of two weeks from today.

5. The compliance of payment of costs shall be submitted to this Court on 23.03.2026.

6. In view of the above, the writ petition stands disposed of.

7. List the matter for compliance on 23.03.2026.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm