



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8834 OF 2013

Sharda w/o Rajendra Gaikwad and Ors. ...Petitioners
Versus
The State of Maharashtra and Ors. ...Respondents

Mr. A.B. Kale, Advocate for Petitioners
Mrs. A.V. Gondhalekar, AGP for Respondent Nos. 1 to 3
Mr. P.D. Suryawanshi, Advocate for Respondent No. 4

WITH
WRIT PETITION NO. 1477 OF 2017

Anil S/o Punjaji Jorwekar ...Petitioner
Versus
Sharda Rajendra Gaikwad and Ors. ...Respondents

Mr. P.D. Suryawanshi, Advocate for Petitioner
Mrs. A.V. Gondhalekar, AGP for Respondent/State

**CORAM : PRASANNA B. VARALE AND
MANISH PITALE, JJ.**

DATE: 9th OCTOBER, 2018

ORAL ORDER :

1. These two Writ Petitions claimed rival considerations and reliefs accordingly. The petition filed on behalf of the petitioners on 08.08.2013 as for their claim to submit that land of these petitioners are acquired and in spite of the acquisition of the land, no amount of compensation is awarded to the petitioners.



2. Per contra, petition filed on behalf of the petitioner in Writ Petition No. 1477/2017 is for seeking declaration and direction that Award dated 30.08.2013 passed by the Dy. Collector/Special Land Acquisition Officer, Jaikwadi be quashed and set aside. This Court by order dated 18.11.2014 found some substance in the contentions of respondent Nos. 4 and 5 and then issued the directions to Collector to immediately look into the matter and file personal affidavit. Affidavit of the Collector is also filed. Then, the order dated 1st December, 2014 was passed in Writ Petition No. 8834/2013. The Division Bench of this Court by extending the time period, directed the authority to complete their inquiry and to submit the report before this Court by responsible officer.

3. In Writ Petition No. 1477/2017, our attention was invited by the learned Counsel appearing for the Zilla Parishad that an inquiry was initiated and notices were issued to certain erring officers of the Zilla Parishad. Our attention was also invited to the statements recorded in the course of inquiry. Those are placed on record with the Writ Petition No.1477/2017 at page Nos.137 and 138. These persons, more particularly, those erring officers in their statement submitted that certain pressure was applied on them by the concerned persons. The learned Counsel appearing for the Zilla Parishad also invited our



attention to communication between the two officers, namely, the Collector Beed and the Collector, Osmanabad. By the said communication, it was prima facie opinion of the Collector, Beed that the then Dy. Collector and the Special Land Acquisition Officer Mr. Arvind Latkar failed to take the proper care and caution in the said matter and it was requested to the Collector, Osmanabad to seek explanation of the said officer and submit report to the office of the Collector, Beed. The learned Counsel appearing for the Zilla Parishad made a statement before us that after certain exchange of communication in year 2015, there is no further progress and it is only at the stage of an inquiry. In view of these facts, we direct the learned Assistant Government Pleader to file an additional affidavit-in-reply to submit before us the further progress in the inquiry subsequent to the exchange of communication. Subsequent to recording the statement of these officers, the learned Assistant Government Pleader also to place on record any report, if the inquiry is concluded, and if the inquiry is not concluded, the learned Assistant Government Pleader to place on record by way of an additional affidavit-in-reply the reasons for the delay in the inquiry and also to make a statement that if the Collector is of an opinion to take certain steps or the Collector is proposing certain steps in the matter. This affidavit-in-reply be filed within two weeks from today.



4. As it is the submissions of Mr. Kale, the learned Counsel in Writ Petition No. 8834/2013 that the acquisition proceedings in real sense and in view of the provisions of the Act is not at all concluded, the submissions is that there is no record with the respondent-authorities that the land of the petitioner is acquired by following due procedure of law. The learned Assistant Government Pleader also to make this position clear in the affidavit-in-reply.

5. Post the Petition for further consideration on 23.10.2018. Authenticate copy of this order be issued to the learned Assistant Government Pleader.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

mta