

Writ Petition No. 5162 of 2014

Yuvraj Laxman Jadhav v. State of Maharashtra

2017 SCC OnLine Bom 5955

In the High Court of Bombay
Civil Appellate Jurisdiction

(BEFORE MANJULA CHELLUR, C.J. AND G.S. KULKARNI, J.)

Shri Yuvraj Laxman Jadhav & Ors. Petitioners

v.

State of Maharashtra & Ors. Respondents

Writ Petition No. 5162 of 2014

Decided on January 30, 2017

Mr. Dormaan Dalal i/b Mr. Sugandh B. Deshmukh for Petitioners.

Mrs. M.P. Thakur, AGP for State.

P.C.

1. The petitioners are before us contending that by virtue of Section 21(1) & (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, they are entitled for a declaration that so far as acquisition of their lands, this Court has to declare that the acquisition proceedings have lapsed and come to an end.

2. We notice from the record that the lands in question were notified for acquisition for the purpose of Urmodi Major Irrigation Project. From page no. 58 onwards of the Writ Petition, we get the details of the villages with measurements (area required from each of the villages from various Talukas in Satara District) for completion of the project. The process seems to have commenced somewhere in the year 1996 and acquisition proceedings are also initiated after 1996. In certain cases, Awards are passed in the year 2000 and so far as the present case is concerned, the Award is passed on 28 May 2000. The lands belonging to the petitioners come within Village - Atit. The entire area proposed for acquisition from this village is about 1353.27 Hectares. So far as the requirement at page 58, apart from indicating the measurement of the area, the names of villages and the area under command are mentioned. Again at page 66, there is a reference to this village Atit wherein it clearly shows that the extent of area which constituted the area under the benefited zone of the Urmodi Major Irrigation Project, so far as this village is concerned, it is at Sr. No. 16 at page 66 which was 1353.27 Hectares. In the above circumstances, we direct the respondents - authorities whether it is Irrigation Department, Rural Development Department, Forest Department or Revenue Department or combination of all the departments, to clarify whether the lands of the petitioners are required for the project itself i.e. construction of dam or submerging portion for reserving the water or for the purpose of resettling the other land losers who have lost their lands for the said project.

3. Stand over after two weeks.