



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13381 OF 2025

1. Shahadeo s/o Dagadu Mete,
Age : 63 years, Occu.: Agril.,
2. Ananda s/o Dagadu Mete,
Age : 66 years, Occu.: Agril.,
3. Mahadeo s/o Dagadu Mete,
Age : 57 years, Occu.: Agril.,

All R/o. Wahira, Tq. Ashti, Dist. Beed.

4. Kamalbai Raghunath Kharade,
Age : 60 years, Occu.: Agril.,
5. Namabai Shamrao Kharade,
Age : 76 years, Occu.: Agril.,

No. 4 and 5, R/o Pimpalgaon Dani,
Tq. Ashti, Dist. Beed.

...Petitioners

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Planning Department (E.G.S.),
Mantralaya, Mumbai.
2. The Divisional Commissioner,
Chh. Sambhajinagar Division,
Chh. Sambhajinagar.
3. The District Collector, Beed.
4. The Deputy Collector, (E.G.S.), Beed.
5. The Sub-Divisional Officer,
Patoda, Tq. Patoda, Dist. Beed.

6. The Executive Engineer,
Beed Irrigation Division, Beed.
7. The Sub-Divisional Engineer,
Minor Irrigation, Sub Division, Patoda,
Dist. Beed.

...Respondents

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Mr. Tushar Shinde h/f Mr. C. H. Shinde – Advocate for Petitioners
Mr. S. B. Narwade – AGP for Respondent/State

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

RESERVED ON : 05TH FEBRUARY, 2026
PRONOUNCED ON : 17TH FEBRUARY, 2026

JUDGMENT [*Per* Hiten S. Venegavkar, J.] : -

“STRONG FOUNDATION OF GOOD STATE ARE GOOD LAWS & GOOD ARMS” : -

. This phrase is not history; it is engineering. ***“Good Arms”*** means capable Executives and Bureaucrats, meaning able servants who implement laws effectively. ***“Good Laws”*** means structure, standards, discipline and rules followed & obeyed in all circumstances. This builds a strong foundation of every Good State.

1. This writ petition discloses a most disturbing state of affairs and reflects a continuing failure on the part of the respondent authorities to discharge their statutory and constitutional obligations in matters of land acquisition. The petitioners are landowners whose lands were taken into possession by respondent nos.6 and 7 on 2 February

1996 for the purpose of construction of Village Tank No.1 at village Pimpargaon Dani, Taluka Patoda, District Beed. The petitioners have placed on record the possession receipt dated 2 February 1996, which evidences that possession of the subject lands was taken by private negotiation. It is an admitted position that the project of construction of the village tank was completed in the very same year and the land has since then been utilised for the public purpose. Before we decide the present petition on merits, we proceed to deal with the constant failure noticed by us in several petitions filed pertaining to Land Acquisition matters where the State and its officials have completely been negligent for years together in completing the process; thereby causing not only hardship but harassment to the land owners.

2. This case is not an isolated instance. It is illustrative of a larger, systemic problem, repeatedly noticed by this Court in land acquisition matters. Aggrieved landowners are driven to litigation only because the authorities fail to perform their basic statutory obligations. Such a situation cannot be permitted to continue.

3. We therefore take up this Petition as test case and we deem it necessary to observe that the facts of the present case as of several other matters disclose an extraordinary and wholly unjustified delay of nearly three decades in completing land acquisition proceedings even after taking possession of the petitioners' lands. Such delay has resulted

not only in grave prejudice to the landowners but also in substantial and avoidable financial burden on the public exchequer by way of interest and escalated compensation. The Chief Secretary, Government of Maharashtra, is therefore expected to take note of the manner in which statutory duties have been discharged in the cases of Land Acquisition and to cause an appropriate administrative examination to be undertaken for fixing responsibility for the delay and inaction, and to take such action as may be warranted in accordance with law. We clarify that this Court is not expressing any opinion on individual culpability; however, accountability for such prolonged dereliction of statutory duty is essential to ensure that similar situations do not recur in future.

4. The issues which repeatedly come before this Court in matters of land acquisition, disclose a deeply disturbing and systemic failure on the part of the State administration. In a large number of cases, lands belonging to citizens many of whom are agriculturists, illiterate or rustic persons have been taken into possession by the acquiring authorities several years, and in some cases several decades, ago. Public projects have been completed and are in full operation. Yet, despite possession having been taken and the land having vested in the State, the acquisition proceedings have not been taken to their logical and lawful conclusion. Either awards have not been passed at all, or though awards have been passed, compensation has neither been paid to the landowners nor deposited with the competent authority in

accordance with law. The result is that landowners are compelled to approach this Court repeatedly seeking writs of mandamus for enforcement of what is, in truth, a basic statutory and constitutional obligation of the State.

4.1. This Court cannot overlook the fact that such inaction has grave and multi-dimensional consequences. First, it causes manifest hardship, harassment and injustice to landowners, who are deprived of both their property and the compensation guaranteed by law. Secondly, it results in enormous and avoidable financial burden on the State exchequer. Where no award is passed for long periods after possession is taken, the compensation is ultimately required to be determined under the prevailing statutory regime, often at current market rates under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, thereby multiplying the compensation manifold. In cases where compensation was determined years earlier but not paid or deposited, statutory interest often not less than 15% per annum accrues for decades. Thus, a modest compensation amount, which could have been discharged in time, swells into two or three times, and in some cases far more, solely due to administrative negligence. This additional financial burden is ultimately borne by the public exchequer and paid from funds meant for welfare, development and basic necessities of citizens.

4.2. The Court is constrained to observe that the State cannot be permitted to plead its own inaction, inefficiency or inter-departmental delays as a defence. Once land is taken from a citizen, the obligation to determine and pay compensation is absolute. Article 300A of the Constitution mandates that no person shall be deprived of his property save by authority of law. Authority of law does not end with taking possession; it necessarily includes lawful determination of compensation and payment or deposit thereof. There is no concept in constitutional or statutory law of “acquisition without compensation due to administrative lapse.” The continued failure to complete acquisition proceedings, even after possession and completion of projects, amounts to a continuing wrong and a continuing breach of constitutional duty.

4.3. The Court is equally mindful that many affected landowners, particularly agriculturists and illiterate persons, may not even be aware that formal acquisition proceedings have been initiated or concluded, or that they are entitled to compensation and statutory interest. Others may be aware but lack the knowledge, resources or access required to approach courts. The State, which claims to be a welfare State, cannot be permitted to take advantage of such ignorance or helplessness. Property rights under Article 300A are not illusory rights available only to those who can litigate; they are constitutional guarantees enforceable against the State itself.

4.4. At the same time, this Court is conscious of the limits of its constitutional role. It is not for this Court to legislate, to frame policy in the abstract, or to step into the shoes of the executive. However, where statutory duties are repeatedly breached on a large scale, resulting in continuing illegality, injustice to citizens and massive loss to the public exchequer, this Court would be failing in its constitutional obligation if it confines itself to deciding individual writ petitions in isolation. In such circumstances, issuance of structured, time-bound directions to ensure performance of existing statutory duties falls squarely within the jurisdiction of this Court under Article 226 of the Constitution.

4.5. The problem before the Court is not an absence of law, but persistent non-implementation of law. What is required is a focused, mission-mode administrative response to identify all pending land acquisition cases, categorise them, and take them to their lawful conclusion by passing awards, paying compensation, or depositing the same with the competent authority wherever direct payment is not possible. This exercise, if undertaken in a time-bound and accountable manner, will simultaneously protect the rights of landowners and arrest further avoidable loss to the State exchequer.

4.6. Accordingly, this Court is of the considered view that the State Government must be directed to adopt a comprehensive, statewide mechanism to address all pending land acquisition cases in which (i)

possession has been taken but no award has been passed, and (ii) awards have been passed but compensation has not been paid or deposited. The responsibility for initiating and supervising this exercise must lie at the highest administrative level, so that inter-departmental inertia and diffusion of responsibility do not defeat the object.

4.7. The Chief Secretary of the State of Maharashtra, being the administrative head of the State, is therefore required to take immediate cognisance of this issue. A dedicated, mission-mode administrative structure shall be constituted under the supervision of the Chief Secretary or a senior officer of equivalent rank nominated by him. At the State level, a steering committee shall be formed comprising senior officers from the Revenue Department, Finance Department, Law and Judiciary Department and major acquiring bodies, with a designated State Nodal Officer responsible for coordination, monitoring and compliance. At the district level, committees headed by the District Collectors shall be constituted, involving the concerned Land Acquisition Officers, representatives of acquiring authorities and treasury or accounts officials.

4.8. As a first and foundational step, the State shall undertake a comprehensive identification and compilation of all pending land acquisition cases across the State. A complete acquisition ledger shall be prepared district-wise, identifying each acquisition in which possession

has been taken, indicating whether an award has been passed, whether compensation has been paid or deposited, the amount involved, the date of possession, the acquiring body, and the present status. The ledger shall also record cases where compensation could not be paid due to disputes regarding title, apportionment or non-traceability of landowners. This exercise shall not be treated as a mere formality; it is intended to bring transparency, fix responsibility and enable informed decision-making.

4.9. Upon preparation of this ledger, cases shall be categorised for the purpose of resolution. In cases where possession has been taken but no award has been passed, the determination of compensation shall be completed within strict and reasonable timelines, with priority accorded to the oldest cases. In cases where awards have been passed but compensation has not been paid, payment shall be made forthwith, along with statutory interest, or, where direct payment is not possible due to disputes or other legally recognised impediments, the compensation amount shall be deposited with the competent authority strictly in accordance with the governing statute & where there are court cases pending, then amount can be deposited in respective Courts. In any event, such amount then be invested in the bank for reasonable period so that it can earn interest. Keeping the amount idle will not yield any benefit to the State or Claimant. The excuse that funds have not been received from the proposing or acquiring department shall not

be accepted as justification for non-payment or non-deposit, as this is an internal administrative issue for which the landowner cannot be made to suffer.

4.10. Special attention shall be paid to cases involving agriculturists, illiterate and rural landowners. Adequate public notices shall be issued, and outreach measures undertaken at the village and taluka levels, so that such persons are informed of the acquisition, their entitlement to compensation, and the steps required to receive the same. Assistance through legal services authorities and para-legal volunteers shall be extended wherever necessary, so that ignorance or lack of resources does not result in forfeiture of lawful compensation.

4.11. Equally important is the question of accountability. This Court cannot remain a silent spectator to repeated instances where public funds are squandered due to negligence, apathy or indifference of officials entrusted with statutory duties. While this Court does not propose to itself conduct disciplinary proceedings or determine individual culpability, it is entirely within the constitutional domain of this Court to direct the State to examine such cases, fix responsibility and take action in accordance with law. Where substantial financial loss to the exchequer has occurred due to unexplained and unjustifiable delay in passing awards or paying compensation, the State Government must undertake an internal audit to identify the causes and the officers

responsible. Appropriate departmental proceedings and, wherever as permissible in law, recovery of loss may be considered, strictly following due process. Such accountability is essential not only to protect public funds but also to ensure that similar derelictions do not recur in the future. The State to make rules / procedure for recovery of amount from the institution for whom land is acquired. Various Corporations have been created for implementation of public projects, and lands are acquired or made use of by MSEDCL etc., without adopting procedure and without making budgetary provision. SLAO then only writes letters of request to such institutions to make the funds available.

4.12. For effective implementation, this Court considers it appropriate to retain supervisory jurisdiction for a limited period by adopting the mechanism of continuing mandamus. Periodic compliance reports shall be placed before this Court by the Chief Secretary, indicating the number of cases identified, resolved, pending, the amounts paid or deposited, and the steps taken towards fixing accountability. The object of such monitoring is not to micro-manage the administration, but to ensure that the constitutional and statutory obligations, long neglected, are finally discharged.

4.13. This Court is satisfied that the directions contemplated herein do not amount to judicial legislation or encroachment upon executive or legislative functions. They merely require the State to

perform duties already imposed by law, in a structured and time-bound manner, so as to protect citizens' constitutional rights and prevent further avoidable drain on the public exchequer. The situation has reached a stage where delay can no longer be tolerated. The wound, as it were, has festered for years; timely and decisive intervention is now necessary to ensure that it does not become incurable, to the detriment of both the citizens and the State itself.

5. Now reverting to the matter in hand, we proceed to decide the same on merits.

6. Rule. Rule made returnable forthwith.

7. After taking possession and completing the project, respondent nos.6 and 7 submitted a proposal for acquisition of the lands to respondent no.3 – the Collector, Beed. By communication dated 10 December 1996, the Collector forwarded the proposal to respondent no.2 – the Special Land Acquisition Officer, Beed, for taking further steps under the Land Acquisition Act, 1894. A joint measurement of the subject lands was thereafter carried out through the Deputy Superintendent of Land Records, Ashti, and a report was submitted on 5 November 1997. As per the proposal and joint measurement report, land bearing Survey Nos.40 and 45 admeasuring in all 1 Hectare 67 R of village Pimpargaon Dani was proposed to be acquired for the said project.

8. However, despite possession having been taken and the project having been completed, no further steps whatsoever were taken by the respondents in accordance with the Land Acquisition Act, 1894. No award was passed, no compensation was determined, and no payment of compensation or even rental compensation was given to the petitioners. It is also undisputed that while taking possession by private negotiation, no advance payment of 80% of the estimated value of the lands was made, as was required. The petitioners repeatedly requested the authorities to complete the acquisition proceedings, but their requests were met with complete indifference. Ultimately, petitioner nos.4 and 5 were constrained to approach this Court by filing Writ Petition No.1556 of 2018 seeking directions to the respondents to complete the land acquisition proceedings. It was only after notice was issued by this Court that the respondent authorities initiated steps. Respondent no.5, the Sub-Divisional Officer, Patoda, came to be appointed as the Special Land Acquisition Officer. A notification under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 was issued on 3 August 2018 and published in two local newspapers on 7 August 2018. Individual notices under Section 11(1) were served upon the petitioners on 29 August 2018. A spot inspection was conducted on 5 September 2018, and thereafter a declaration under Section 19 of the Act of 2013

was issued and published in the Government Gazette dated 16–22 May 2019.

9. Even after initiation of proceedings under the Act of 2013, the respondents once again slept over the matter. No award was declared within a reasonable time, no compensation was determined, and no payment was made. The petitioners were made to run from pillar to post seeking information as to when the acquisition proceedings would be completed and when they would receive compensation for lands of which they had been deprived since 1996. No response was forthcoming from any authority. Ultimately, the petitioners submitted a written representation on 22 September 2025 requesting completion of acquisition proceedings and payment of compensation along with statutory interest under Section 80 of the Act of 2013.

10. It was only thereafter that respondent no.5 informed the petitioners by communication dated 22 September 2025 that an award had already been declared on 23 November 2020. The petitioners were never served with any notice of the award, nor were they called upon to receive compensation. Upon applying for a certified copy, the petitioners obtained the award on the same day. Even after declaration of the award, no amount of compensation has been offered, paid or deposited in favour of the petitioners or any other affected landowners. This is despite the clear mandate of Section 77(1) of the Act of 2013, which

requires payment of compensation immediately upon declaration of the award, and in the absence of any contingency under Section 77(2), deposit in accordance with law.

11. It is an admitted position that possession of the petitioners' lands was taken on 2 February 1996 and that the petitioners have been deprived of the use and enjoyment of their lands for nearly three decades. There is no dispute regarding title, apportionment or entitlement. In such circumstances, the respondents were statutorily bound not only to pay the compensation amount as per the award, but also to pay interest in terms of Section 80 of the Act of 2013, since possession was taken prior to payment of compensation.

12. When the matter was heard, learned counsel for the petitioners reiterated the above facts. The learned AGP appearing for the State did not dispute that the petitioners are entitled to compensation. On instructions, the learned AGP tendered a communication dated 10 December 2025 issued by the Sub-Divisional Officer, Patoda, addressed to the Collector, Beed. The said communication candidly admits that the acquisition was initially undertaken under the Land Acquisition Act, 1894, that no award was passed for decades, that proceedings were thereafter continued under the Act of 2013, and that an award came to be passed on 23 November 2020. It further admits that till date no compensation has been paid to the landowners and that the

compensation amount of Rs.31,91,395/- has not been received from the proposing authority. This document is taken on record and marked as Exhibit "X" for identification.

13. We are truly shocked by the manner in which statutory duties have been treated by the respondent authorities. Lands were taken in 1996, projects were completed, and yet the award was passed only in 2020, that too after the landowners were compelled to approach this Court. Even thereafter, for more than five years, no payment of compensation has been made. The communication dated 10 December 2025 reveals that the only concern of the officers appears to be avoidance of adverse judicial observations, rather than any genuine sense of responsibility towards citizens whose lands have been taken.

14. The conduct of the authorities reflects a complete abdication of statutory duty. Officers entrusted with the responsibility of protecting citizens' rights have behaved as if they are masters rather than servants of the public. The landowners have been made to run behind the administration for decades for what is their lawful and constitutional entitlement. Such indifference not only violates statutory provisions but also strikes at the heart of Article 300A of the Constitution of India.

15. We fail to understand the rationale of taking possession of land and handing it over for project execution without first ensuring

availability of compensation funds. Such conduct demonstrates a complete lack of administrative prudence and accountability. The burden of statutory interest and enhanced compensation ultimately falls on the State exchequer and deprives funds meant for public welfare, solely due to the negligence and apathy of officials who face no personal consequences.

16. In the present case, there is no dispute whatsoever regarding the entitlement of the petitioners. Possession was taken in 1996. The award has admittedly been passed on 23 November 2020. No compensation has been paid till date. The respondents are therefore under a clear statutory obligation to forthwith complete the acquisition proceedings by paying compensation to all affected landowners along with interest as mandated by law.

17. Accordingly, the writ petition is allowed. The respondent authorities are directed to complete the land acquisition proceedings in respect of the subject project by making payment of compensation to the petitioners and all other affected landowners, strictly in accordance with the award dated 23 November 2020 and the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, including payment of interest as payable under Section 80 of the said Act. The entire exercise shall be completed within a period of eight weeks from the date of this order.

18. The Collector, Beed, shall ensure compliance of these directions and shall file a detailed compliance report before this Court on the next date, indicating the amounts paid, the dates of payment, and the manner of compliance in respect of each affected landowner. Failure to comply with these directions shall be viewed seriously. The Collector, Beed, shall deposit an amount of Rs. 35.00 lakh in this Court within a period of four (4) weeks from the date of the order.

19. Rule is made absolute in the above terms. No order as to costs.

20. Place the matter for first compliance on 10th March, 2026.

21. The Registry and the Office of the Government Pleader are directed to place this judgment and order before the Chief Secretary of the Government of Maharashtra, Mumbai, and also before the Principal Secretary, Law and Judiciary, Mantralaya, Mumbai, for compliance.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE