



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

WRIT PETITION NO. 7721 OF 2019

Sou. Nandiniraje Niranjan Toraskar Petitioner

VERSUS

The State of Maharashtra
Through Secretary, Rehabilitation Dept. And Ors Respondents

**WITH
INTERIM APPLICATION NO. 525 OF 2026
IN
WRIT PETITION NO. 7721 OF 2019**

Arun Dadaso Gore Applicant

VERSUS

Sou. Nandiniraje Niranjan Toraskar Respondent

Mr. Vishwanath Talkute i/b Mr. Pradeep Salgar a/w Ms. Vaishnavi A. Shelke,
Advocate for the Petitioner

Mr. A. A. Kumbhakoni, Senior Advocate a/w Mr. Akshay Shinde i/b Mr.
Siddharth Karpe, Advocate for the Respondent Nos. 7 to 9

Mr. Ketan Joshi a/w Mr. Vishwajeet Mohite, Advocate for the
Respondent No. 11

Mr. Siddheshwar B. Kale, AGP for the Respondent-State

**CORAM : RAJESH S. PATIL &
ABHAY J. MANTRI, JJ.**

DATE : 21 SEPTEMBER 2026

PER COURT :

1. The present Petition is filed seeking the writ of mandamus,
thereby directing the respondent No.4 / SDO, Satara to forthwith withdraw

and/or cancel the order dated 28-05-2019 thereby the respondent Nos.7 and 8 have allotted the lands out of the land of the Petitioner, bearing Gat number 44/1 admeasuring 8- Hectares 3-R at village Kolki, Taluka Phaltan, District Satara. So also, writ has been sought for a declaration that the acquisition of the land admeasuring 3-Hectares 18-R from land bearing Gat number 44/1 at village Kolki has been lapsed as per the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. We have heard counsels for both the sides and with their help, we have gone through the affidavits-in-reply along with additional affidavit and rejoinder. We have also been shown the following the judgments:

- i. Harayana State Industrial and Infrastructural Development Corporation (HSIIDC) and Ors Vs M/s. Janta Oil Company and Ors [Civil Appeal Nos.1147-1149 of 2025]
- ii. Indore Development Authority Vs Manoharlal & Ors¹
- iii. Land Acquisition Collector (South), New Delhi and another Vs Suresh B. Kapur And others²

3. The Supreme Court in the judgment of Indore Development (supra) in paragraph No. 366 has held as under:

“366. In view of the aforesaid discussion, we answer the question as under :

366.1. Under the provisions of Section 24(1)(a) in case the award is not made as on 1.1.2014 the date of commencement of Act of 2013, there is no lapse of proceedings. Compensation has to be determined under the provisions of Act of 2013.

¹ (2020) 8 SCC 129

² (2023) 2 SCC 155

366.2. In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then proceedings shall continue as provided under Section 24(1)(b) of the Act of 2013 under the Act of 1894 as if it has not been repealed.

366.3. The word 'or' used in Section 24(2) between possession and compensation has to be read as 'nor' or as 'and'. The deemed lapse of land acquisition proceedings under Section 24(2) of the Act of 2013 takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.

366.4. The expression "paid" in the main part of Section 24(2) of the Act of 2013 does not include a deposit of compensation in court. The consequence of non-deposit is provided in proviso to Section 24(2) in case it has not been deposited with respect to majority of land holdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the Act of 1894 shall be entitled to compensation in accordance with the provisions of the Act of 2013. In case the obligation under Section 31 of the Land Acquisition Act of 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the Act of 2013 has to be paid to the "landowners" as on the date of notification for land acquisition under Section 4 of the Act of 1894.

366.5. In case a person has been tendered the compensation as provided under Section 31(1) of the Act of 1894, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non-payment or non-deposit of compensation in court. The obligation to pay is complete by tendering the amount under Section 31(1). Land owners who had refused to

accept compensation or who sought reference for higher compensation, cannot claim that the acquisition proceedings had lapsed under Section 24(2) of the Act of 2013.

366.6. The proviso to Section 24(2) of the Act of 2013 is to be treated as part of Section 24(2) not part of Section 24(1)(b).

366.7. The mode of taking possession under the Act of 1894 and as contemplated under Section 24(2) is by drawing of inquest report/ memorandum. Once award has been passed on taking possession under Section 16 of the Act of 1894, the land vests in State there is no divesting provided under Section 24(2) of the Act of 2013, as once possession has been taken there is no lapse under Section 24(2).

366.8. The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the Act of 2013 came into force, in a proceeding for land acquisition pending with concerned authority as on 1.1.2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.

366.9. Section 24(2) of the Act of 2013 does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the Act of 2013, i.e., 1.1.2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition.”

4. As far as the present proceeding is concerned, para 366.9 refers to an amount being deposited in a PLA account.

5. The Respondent-State in its affidavit dated 09 June 2026 in paragraph Nos. 4 and 5 has stated that the amount of compensation has been

deposited in P.L.A. account maintained by the District Treasury Office, Satara, by an enclosure of Exhibit-R1. There is a mention about Village Kolki and the amount mentioned in front of that village is Rs. 99,52,241/-. The said amount been deposited by way of cheque No. 662771 dated 29 April 2006. The said amount also includes the compensation amount payable to the present Petitioner, being an amount of Rs. 5,33,355/-.

6. In the present proceeding, the award was passed on 01 December 2000 and there is no dispute that the said award has not been challenged by the Petitioner.

7. Compensation amount deposited in the P.L.A. account on 09 May 2006. Therefore, one of the twin conditions as mentioned by the Supreme Court in the judgment of **Indore Development (supra)** has been satisfied. The judgment of the Supreme Court in **Indore Development (supra)** has been further followed by the Supreme Court in the judgment of **Suresh Kapoor (Supra)**. In paragraph No.10, there is a discussion about the conclusion arrived at by the High Court following the judgment of **Gyanender Singh v. Union of India**³. By concluding the said judgment, the Bench considered the view taken by the Supreme Court in the judgment of **Indore Development (supra)** which overruled the earlier judgment of **Pune Municipal Corporation v. Harakchand Solanki**⁴, and further, it also

3 2014 SCC OnLine Del 1694

4 (2014) 2 SCC (Civ) 496

overruled the view taken in **Gyanendra Singh** (Supra). Similarly, in the latest judgment of the Supreme Court in **Haryana State Industrial And Infrastructure Development Corporation** (supra) the Supreme Court considered the facts wherein the acquiring department had deposited the entire compensation in the account of L.A.C.-cum-D.R.O., and the entitled person to get their compensation from office. A similar kind of argument has been made before us which was advanced considered in the said judgment wherein it was held that the deposit of the entire compensation in the account of L.A.C.-cum-D.R.O. does amount to deposit in terms of Land Acquisition Act of 2013. The Bench considering the view taken by the Constitution Bench in **Indore Development** (supra) held that amount deposited in the account of L.A.C.-cum-D.R.O., at least one of the conditions of the twin conditions under Section 24(2) of the Land Acquisition Act, 2013 stands satisfied. The view taken in both the judgments are squarely applicable to the present proceeding.

8. As far as the judgments referred by the learned counsel appearing for the petitioner, in **Namdeo Bhagwan Khedkar Vs State of Maharashtra and Ors**⁵ and **Annaso Deogonda Patil Vs State of Maharashtra and Ors** [WP/2506/2019 dated 03-08-2026], in the facts of both these judgments, admittedly, there was no deposit made by the

State/acquiring body. Hence, one of the twin conditions as mentioned in the judgment of **Indore Development** (Supra) was not satisfied. Hence, the view taken in both the judgments would not be applicable in the present proceedings where, admittedly, the amount has been deposited in PLA. As far as the other judgments cited on behalf of the Petitioner are concerned, these are the judgments delivered before the judgment of the Constitution Bench delivered its judgment in **Indore Development** (Supra). Hence, those judgments would not be applicable to the present case.

9. In view of the same, the Petition fails and the same stands dismissed with cost of Rs.25,000/-.

10. In view of the dismissal of the petition, pending Interim Application stand disposed of.

[ABHAY J. MANTRI, J.]

[RAJESH S. PATIL, J.]