

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

WRIT PETITION NO. 6798 OF 2023

Arjun Murlidhar Navale & Ors. ... Petitioners
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. Sarthak Diwan i/by Mr. Nilesh Navale for the Petitioners.
Mr. R. S. Pawar, AGP for Respondent Nos.1 to 4-State.
Mr. Ashish Gabhale a/w Mr. Arnav Urankar i/by Jay & Co. for
Respondent No.5.

**CORAM : MANISH PITALE AND
SHREERAM V. SHIRSAT, JJ.**

DATE : 27th JULY 2026

P.C. :

1. Heard learned counsel for the petitioners, learned AGP for respondent Nos.1 to 4 and learned counsel for respondent No.5 i.e. the beneficiary of the acquisition.

2. A short question arises for consideration in this petition and according to the learned counsel for the petitioners, in the light of relief granted to similarly situated land owners by a co-ordinate Bench of this Court, the writ petition deserves to be allowed.

3. The grievance of the petitioners is that despite land acquisition proceedings having been undertaken, for the Kukadi Dam Project, in respect of the land belonging to the petitioners in Village Kuran, Taluka Junnar, Dist. Pune and the land acquisition award having been passed on 31st May 1999, till date, no

compensation amount was paid to any of the beneficiaries under the said award.

4. The petitioners contend that although possession of the land was taken, the amount of compensation was never paid to the petitioners and therefore, by operation of proviso to Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act of 2013), the petitioners are entitled to payment of compensation.

5. It is submitted that the claim of the petitioners deserves to be granted in the light of the contents of the affidavit in reply filed on behalf of respondent Nos.1 and 2 i.e. the State and the Land Acquisition Officer. It is conceded in the said reply affidavit that the amount of compensation could not be paid, as the acquiring body or the beneficiary of acquisition i.e. respondent No.5 failed to deposit the compensation amount with the Land Acquisition Officer.

6. The learned counsel for the petitioners also relied upon judgment and order of this Court passed in case of *Geeta Vijay Deshpande & Ors. vs. State of Maharashtra & Ors., 2025 (2) Mh.L.J. 600*, wherein relief was granted to similarly situated land owners.

7. The learned AGP submits that the factual position has been stated in the reply affidavit. It is further submitted that even if this Court were to favourably consider the present writ petition, an

appropriate exercise for measurement of the subject land, in the presence of the petitioners, will have to be carried out to take further steps in the matter. The learned counsel for respondent Nos.5 i.e. the acquiring body agreed with the submission made by the learned AGP.

8. Section 24 of the Act of 2013, reads as follows :

“24. Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases.—(1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894,—

(a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or

(b) where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894), where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.”

9. The proviso to Section 24(2) of the Act of 2013 specifically mandates that in the event, the compensation amount is not deposited in respect of the majority of land holdings, in the account of the beneficiaries, then all beneficiaries specified in the notification for acquisition issued under Section 4 of the Land Acquisition Act, 1894, shall be entitled to compensation in accordance with the provisions of the Act of 2013. The statutory mandate is for depositing compensation amount in the account of the beneficiaries concerning the majority of the land holdings. In the present case, it is an admitted position that none of the land owners, including the petitioners, were paid compensation and that the amounts were not deposited in their accounts.

10. The relevant portion of the affidavit in reply dated 18th March 2025 filed on behalf of the respondent Nos.1 and 2, reads as follows :

“3) I say that, it appears from the record that an award under Land Acquisition Act 1894 has been passed in the year 1994 for Kukadi Dam Project whereby lands of the petitioners from Village Kuran, Tal. Junnar, Dist. Pune have been acquired. It appears from the letter dated 29/05/2014 given by this office to executive engineer requesting them to submit compensation amount to this office before August 2014, otherwise the land acquisition processes will be laps in view of new Act.

*4) I say that, it appears that, inspite of above letter the acquiring body failed to deposit the compensation amount with this office, hence the entire matter was send back to them by letter dated 24/05/2018. Hereto annexed and marked as **Exhibit – 1** is the copy of letter dated 24.05.2018.*

5) *****

6) *****

7) *I say that, this office time to time communicated both the offices to complete the joint measurement process and submit report for further action. However, until today no any correspondence or report received from both offices. After receiving the joint measurement, this office will proceed further.”*

11. In the light of the aforementioned specific statement made in the paragraph 4 of the reply affidavit filed on behalf of respondent Nos.1 and 2, it is conceded that the compensation amount was not paid to any of the beneficiaries. Hence, proviso to Section 24(2) of the Act of 2013 squarely applies in the facts and circumstances of the present case. In a similar situation, in the case of ***Geeta Vijay Deshpande & Ors. vs. State of Maharashtra & Ors.*** (supra), while granting relief to similarly situated land owners, a Division Bench of this Court directed that respondent-State Authorities shall carry out the exercise of computing and payment of compensation to the land owners, as per proviso to Section 24(2) of the Act of 2013, within a period of two months from the date of the order.

12. We are of the opinion that the petitioners have indeed made out a case in their favour for allowing the writ petition. Accordingly, the writ petition is allowed in terms of prayer clauses (b) and (c), which read as follows :

(b) to issue directions to the Respondents to complete the entire process for payment of compensation for acquisition of the suit properties of the Petitioners and to disburse the amount of compensation in favour of the

Petitioners in a time bound manner and in any case within a period of two months;

(c) to direct the Respondents to pay the compensation to the Petitioners as per the formula envisaged under Section 26 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.

13. At this stage, the learned AGP submits that this Court may consider granting further time beyond two months, in the light of the fact that the officers of respondent-State are presently busy in attending the situation created by the monsoon.

14. In view of the above, the respondents are directed to take necessary steps to compute and to pay compensation to the petitioners in terms of prayer clause (c), within a period of four months from today.

15. This Court has granted sufficient time to the respondents and therefore, it is expected that the respondents shall abide by the timeline and not force the petitioners to approach this Court invoking our contempt jurisdiction.

16. Pending applications, if any, also stand disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)