

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

WRIT PETITION NO. 1046 OF 2015

Kausabai w/o Sandu Jadhav
& others

.. PETITIONERS

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. N.J. Pahune Patil, advocate for petitioners.
Mr. S.S. Tope, GP for the State.

=====

**CORAM : R.M. BORDE &
P. R. BORA, JJ.**

DATE : 2nd FEBRUARY, 2015.

PER COURT :

1. Acquisition proceedings initiated at the instance of respondent no. 4 for acquiring landed property belonging to petitioners are stated to be in progress. Notification under section 4 of the Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been issued on 09.03.2012 which has been followed by declaration dated 21.3.2013 under section 6 of the Act. Petitioners were called upon to submit their objections in respect of determination of amount of compensation under section 9(3) of the Act on 06.05.2013. It is stated by petitioners that although the proceedings in respect of acquisition of land are initiated, award has not yet been passed. Possession of the property appears to have been taken before initiation of acquisition proceedings. Section 24(1)(a) provides thus :

24. Land acquisition process under Act no. 1 of 1984 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 (1 of 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.

In view of provisions as referred to above, respondents 2 and 3 are directed to determine the amount of compensation in respect of land acquired in accordance with the provisions of the Act of 2013. Respondents 2 and 3 are further directed to take appropriate steps and declare award as expeditiously as possible, preferably within a period of six months from today.

2. With the directions as above, writ petition stands disposed of.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE

dyb