

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

WRIT PETITION NO.2047 OF 2014

Sanjay s/o Madhukar Gangakhedkar

Age: 52 Yrs., occu. Nil

R/o Row House No. 23, Malhar,

Near Gadiya Vihar, Shahnurwadi,

Aurangabad, Dist. Aurangabad. - PETITIONER

VERSUS

1) The State of Maharashtra
Through the Secretary in
Department of Urban
Development, Mantralaya,
Mumbai-32.

2) The Collector,
Aurangabad, Dist. Aurangabad.

3) The Special Land Acquisition
Officer (Special Unit),
Aurangabad.

4) The Commissioner,
Municipal Corporation,
Aurangabad. - RESPONDENTS.

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Advocate for Petitioner : Mr. Koralkar Arun H.
Mr. SG Karlekar, AGP for Respondents: R/1 To 3
Mr. AM Karad, Adv. For R/4.

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

DATE : 1st JULY, 2015.

ORAL JUDGMENT (PER:-R.M.BORDE, J.)

1) Heard. Rule. Rule is made returnable forthwith by consent of parties and the petition is taken up for final disposal at the stage of admission.

2) According to the petitioner, the property bearing City Survey No.15849/-190, belonging to him admeasuring 358.10 sq. meter, has been acquired for the purpose of High School, Play ground and 12.19 meter wide north south road by the Municipal Corporation, Aurangabad. According to the petitioner, though the Award is declared by the Special Land Acquisition Officer on 9.8.1996, however, amount of compensation has not been paid.

3) An affidavit in reply has been presented on

behalf of the Municipal Corporation, wherein it has been stated that an amount of Rs.3,86,237/- has been deposited with the Land Acquisition Officer, Aurangabad on 25.6.2014. Under the Award, total amount payable as on date of declaration of the Award is Rs.79,20,909/-. The amount of compensation deposited by the Municipal Corporation belatedly after 18 years of passing of the Award is also insufficient.

4) Section 24(2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (for short, the said Act) provides 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.

5) In the instant matter, though the Award is declared in the year 1996, till this date, the amount of compensation has not been paid to the land owner. As such, the Award so declared in 1996 shall deemed to have lapses by virtue of the provision contained in Section 24(2) of the said Act. Since the land belonging to the petitioner has been already acquired by the Municipal Corporation, it is directed to the respondents to initiate proceedings for acquisition of land and declare an Award, as expeditiously as possible and preferably within one year from today. Rule is accordingly made absolute in aforesaid terms. There shall be no order as to costs.

sd/-
(P.R.BORA)
JUDGE

sd/-
(R.M.BORDE)
JUDGE

bdv/