

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

WRIT PETITION NO. 5460 OF 2014

Shri Prabhakar Baburao Gujar & anr. ... Petitioners

v/s

The Spl. Land Acquisition Officer No.17 & ors. ... Respondents

Mr.S.S. Patwardhan i/by Pallavi Potnis for the petitioners.

Mr.Vikas Mali, A.G.P. for the Resp. Nos.1 to 3 and 5 to 7.

Mr.D.D. Shinde for the respondent No.4.

***CORAM: SMT. VASANTI A. NAIK &
SHRI C. V. BHADANG, JJ.***

DATED : 23TH FEBRUARY, 2015

P.C.:

Heard.

By this writ petition, the petitioners challenge the acquisition proceedings under the Maharashtra Project Affected Persons Rehabilitation Act, 1986.

The land of the petitioners was acquired for Gunjawani project by issuance of Section 11 notification on 14th October, 1994. The award was passed on 15th May, 1999 and the petitioners

received the compensation. Since according to the petitioners the compensation determined by the Special Land Acquisition Officer was inadequate, the petitioners filed the proceedings for reference under Section 18 of the Land Acquisition Act, 1894. The petitioners have now challenged the award 15 years later on the ground that the land of the petitioners could not have been acquired as the slab under the Act of 1986 was 1 Hectare 61 Ares and the land belonging to the petitioners was 5.6 Ares. It is stated that the land is now sought to be used by the respondents for rehabilitation of the project affected persons. It is stated that since the land of the petitioners falls in the affected zone, the respondents cannot utilize the same for the purpose of rehabilitation of the project affected persons.

The petition is liable to be dismissed and the submission made on behalf of the petitioners is liable to be rejected. The land of the petitioners is acquired more than 15 years earlier and after the award was passed the petitioners have accepted the compensation and have also filed the reference under Section 18 of the Land Acquisition Act. After a lapse of 15 years, the petitioners cannot challenge the acquisition proceedings on the ground that the land from the affected zone cannot be released by the State Government for rehabilitation of the project affected persons. The land stands vested in the State Government from the year 1994 and the petitioners, therefore, are precluded from challenging the acquisition proceedings on the grounds mentioned in the writ

petition.

Since there is no merit in the writ petition, the same is dismissed with no order as to costs.

(C. V. BHADANG, J.)

(VASANTI A. NAIK, J.)