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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6780 OF 2014

Shri Dilip Shankar Khujat and Ors.	... Petitioners
Versus	
The State of Maharashtra and Ors.	... Respondents

Mr. R.S. Apte, Senior Advocate i/by Mr. Dhananjay Bhalchandra Lonkar,
for the Petitioners.

Mr. V.S. Gokhale, AGP, for the Respondent Nos.1 to 4.

CORAM : A.S. OKA &
V.L. ACHLIYA, JJ.

DATE : 20th OCTOBER, 2015

PC.

. By this Petition under Article 226 of the Constitution of India, the challenge is to the notification dated 5th May, 2014 issued by the Sub-Divisional Officer, Miraj Sub Division, Miraj under Sub-section (1) of Section 4 of the Land Acquisition Act, 1894. The said notification was for acquisition of the land subject matter of this Petition.

2. The Land Acquisition Act, 1894 was repealed with effect from 1st January, 2014 by virtue of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Therefore, after 1st January, 2014, acquisition

proceedings under the said Act of 1894 could not have been initiated. Today, the learned AGP has placed on record a letter dated 14th October, 2015 addressed to him by the Sub-Divisional Officer, Miraj Sub Division, Miraj. It records that the notification under Sub-Section (1) of Section 4 of the said Act of 1894 has not been published on or before 31st December, 2013 and therefore, for acquisition of the land subject matter of the Petition, a fresh acquisition proposal will have to be submitted and accordingly the Executive Engineer, Public Works Department, Sangli has been informed. The said letter is taken on record and marked 'X' for identification.

3. Hence, we dispose of the Petition by passing the following order :-

ORDER

- (i) The notification dated 5th May, 2014 published in Government Gazette of 29th May to 4th June, 2014 purportedly issued under Sub-Section (1) of Section 4 of the Land Acquisition Act, 1894 is hereby quashed and set aside;
- (ii) This order will not preclude the Respondents from initiating proceedings for acquisition of the same lands in accordance with the Right to Fair Compensation and

Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. It will be open for the Petitioners to raise all permissible objections to acquisition proceedings;

(iii) The Petition is disposed of on above terms;

(iv) Writ Petition Nos.1219 of 2015 and 1220 of 2015 shall be separated from this Petition.

(VL. ACHLIYA, J)

(A.S. OKA, J)