

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6362 OF 2012**

Mahendra Dudha Waghela	...Petitioner
<i>Versus</i>	
State of Maharashtra & Ors.	...Respondents

**WITH
WRIT PETITION NO. 8974 OF 2012**

Dr. Laxman Somnath Bidwe	...Petitioner
<i>Versus</i>	
State of Maharashtra & Ors.	...Respondents

Mr. P. K. Hushing for the Petitioner.
Mr. V. S. Gokhale, AGP for the Respondent Nos. 1 to 5.

**CORAM: A. S. OKA & G.S. PATEL, JJ.
DATED: 15th December 2015**

PC:-

1. Heard the learned counsel appearing for the Petitioners and the learned AGP for the Respondents. The challenge in these two Petitions is to the acquisition proceedings under the Land Acquisition Act, 1894 (for short “the said Act of 1894”). The Award subject matter of challenge in both these Petitions is dated 23rd September 1996. The challenge to the acquisition is based on

Sub Section (2) of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short “the said Act of 2013”). It is contended that the acquisition has lapsed. It is not in dispute that the facts of these cases are similar to the facts of the case in Writ Petition No. 6175 of 2012 and other connected five Writ Petitions disposed of by the Judgment and Order dated 30th November 2015 and that the present Petitions will be governed by the said Judgment and Order dated 30th November 2015.

2. Hence, for the reasons recorded in the Judgment and Order dated 30th November 2015 passed in Writ Petition No. 6175 of 2012 and other connected Writ Petitions, we dispose of the present Petitions by passing following order:

- (a) We hold that the acquisition proceedings in relation to the lands of the Petitioners described in paragraph 2 of the Writ Petitions stand lapsed in view of Sub-Section (2) of Section 24 of the Right to Fair and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Considering the fact that SRPF is in possession and use of the acquired lands for more than 50 years, we grant time of one year to the State Government to restore possession of the acquired lands to the Petitioners. Accordingly, we direct that the State Government shall restore possession of the acquired lands to the Petitioners on or before 31st December 2016;

- (b) We make it clear that this Judgment and Order will not preclude the Respondents from initiating a fresh acquisition proceeding in respect of the acquired lands under the provisions of the said Act of 2013. We also make it clear that the acquisition would stand lapsed only in relation to the lands subject matter of these Petitions and no adjudication is made as regards the legality and validity of the acquisition of other lands which are subject matter of the aforesaid Award;
- (c) Rule is made partly absolute on above terms.

(G. S. PATEL, J.)

(A. S. OKA, J.)