

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.3964 OF 2014

Ajitsingh Udaysingh Thakur and Others. .. Petitioners

Vs

The State of Maharashtra and Others. .. Respondents

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Shri S.S. Patwardhan along with Shri Gaurav Potnis i/b Mrs. Pallavi Potnis for the Petitioners.

Mrs. M.P. Thakur, AGP for the Respondents.

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CORAM : A.S. OKA & G.S.PATEL, JJ

DATED : 18TH DECEMBER 2015

P.C.

. Heard the learned counsel appearing for the Petitioners and the learned AGP for the Respondents. Notice for final disposal has been already issued.

2. There is no dispute that the facts of this case are almost similar to the facts of Writ Petition No.6175 of 2012 (***Mahesh Kantilal Bhayani v. State of Maharashtra & Others***) and other connected matters decided by the order dated 30th November 2015.

3. Hence, for the reasons recorded in the judgment and order dated 30th November 2015, we pass the following order:

ORDER :

- (a) We hold that the acquisition proceedings in relation to the lands of the Petitioners described in paragraph 1 of the Writ Petition stand lapsed in view of Sub Section (2) of Section 24 of the Right to Fair Compensation 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 land subject

matter of this Petition 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)