

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5134 OF 2015

[Sanjay s/o Apparao Deshmukh and others .vs. State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.S. Kshirsagar, counsel for the petitioners,
Ms. N.P. Mehta, AGP for the respondent nos.1 and 2.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATED : SEPTEMBER 11, 2015.

By this petition, the petitioners have sought a declaration that the land acquisition proceedings initiated in pursuance of Section 6 Notification, dated 5.1.2012 have lapsed, in view of the provisions of Section 11 (A) of the Land Acquisition Act, 1894.

Inter alia, it is submitted on behalf of the petitioners that the land acquisition proceedings initiated in pursuance of Section 6 Notification have lapsed, inasmuch as the Award has not been passed by the Special Land Acquisition Officer, within a period of two years, from the date of issuance of the Notification. It is stated that the Section 4 Notification under the Land Acquisition Act was issued in the year 2010 and the Section 6 Notification was issued on 5.1.2012. It is stated that it was necessary for the respondents to have passed the Award under Section 11 of the Act, on or before 5.1.2014, however, the Award is not passed, till date.

Ms. Mehta, the learned Assistant Government Pleader appearing on behalf of the respondents states, on instructions from the Special Land Acquisition Officer, that the Award is not passed till date. It is admitted that Section 6 Notification was issued on 5.1.2012 and the Award has not been passed within a period of two years therefrom. In view of the admitted position that the Award is not passed within a

period of two years from the date of issuance of Section 6 Notification on 5.1.2-12, the land acquisition proceedings in respect of the lands of the petitioners are deemed to have been lapsed under Section 11 (A) of the Land Acquisition Act. It was necessary for the Special Land Acquisition Officer to have passed the Award within a period of two years from the date of issuance of Section 6 Notification to prevent the land acquisition proceedings from lapsing.

Hence, for the reasons aforesaid, the writ petition is allowed. The land acquisition proceedings in respect of the lands of the petitioners have lapsed and the petitioners are free to utilize their lands. Order accordingly. No costs.

JUDGE

JUDGE

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