

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 5587 OF 2014

Smt.Usha W/o Arun Gajbhiye

-vs-

State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.S.S.Joshi, counsel for the petitioners.
Mr.K.L.Dharmadhikari, AGP for the respondent Nos.1 and 2.

CORAM : SMT. VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 06.04.2015.

By this petition, the petitioner seeks a declaration that the land acquisition proceedings initiated in pursuance of the Notification under Section 6 of the Land Acquisition Act, 1894 have lapsed as the award has not been passed within a period of two years from the issuance of the Section 6 Notification, in the official gazette on 16/08/2012.

Shri Dharmadhikari, the learned Assistant Government Pleader appearing on behalf of the Special Land Acquisition Officer, has produced the original record and proceedings in the Court today. It is stated on the basis of the record and proceedings that the award has not been passed till date as the Agricultural Produce Marketing Committee for which the land was sought to be acquired has not deposited fifty per cent of the compensation that is liable to be paid to the land holders.

In view of the statement made by the learned Assistant Government Pleader, it is clear that the award is not

passed within a period of two years from the issuance of Section 6 Notification on 16/08/2012. The land acquisition proceedings in respect of the petitioner's land would, therefore, lapse in view of the provisions of Section 11A of the Land Acquisition Act, 1894. We, therefore, declare that the acquisition proceedings in respect of the petitioner's land bearing Survey Nos.202/1A and 202/1B, situated in Mouza Tirora, District Gondia have lapsed.

Order accordingly. No costs.

JUDGE

JUDGE

KHUNTE