

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

WRIT PETITION NO. 6655/2013
(DR.RAMESH KESHAVRAO KADAM **VERSUS** V.I.D.C. & OTHERS)

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

Court's or Judge's orders

Shri D.L. Dharmadhikari, counsel for the petitioner.
Shri V.G. Palshikar, counsel for the R-1.
Shri D.B. Patel, A.G.P. for the R-2 to 6.

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

DATE : OCTOBER 5, 2015.

By this petition, the petitioner has sought a declaration that the Award passed in Land Acquisition Case No.260/98-99 of Mouza Bhaipur on 31.12.2003 is void and *non est*. The petitioner seeks a direction to the respondents to restore the land to the petitioner.

The land of the petitioner was acquired in the proceedings initiated in pursuance of the Section 4 notification, issued on 15.02.1999. The Award was passed on 31.12.2003. By filing this writ petition on 24.10.2013, i.e. more than ten years after the Award, the petitioner has sought a declaration that the Award is bad in law. According to the petitioner, the land acquisition proceedings are liable to be set aside as the Section 6 notification was not issued within a period of one year from the date of issuance of the Section 4 notification and the Award was also not passed within a period of two years from the date of issuance of the Section 6 notification.

In the circumstances of the case, the relief sought by the petitioner cannot be granted. The land acquisition proceedings commenced in the year 1999 and the Award was passed in the year 2003. The petitioner accepted the compensation towards the

acquisition of his land. The petitioner also filed reference application under Section 18 of the Land Acquisition Act, 1894 for enhancement of compensation. The compensation was enhanced. Now, the petitioner is challenging the Award after acquiescing with the same, ten years after the same is passed. The petitioner has waived his right to challenge the Award in view of the acceptance of the compensation and in view of the filing of the application under Section 18 of the Act of 1894 for enhanced compensation. The land of the petitioner is utilized by the acquiring body, for the purpose for which it was acquired. In view of the inordinate delay in filing the writ petition, the same suffers from laches. The delay has not been satisfactorily explained.

For the reasons aforesaid, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

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