

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 7153 OF 2014

Ramrao s/o Shripati Rode
age 40 years, occ. Agril
r/o Dhekari, Tq. Tuljapur,
Dist. Osmanabad.

.. PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
Revenue and Forest Development
Mantralaya, Mumbai 32.
2. The Collector, Osmanabad,
Dist. Osmanabad.
3. Deputy Collector & Land Acquisition Officer,
Osmanabad, Dist. Osmanabad.

.. RESPONDENTS

Mr. V.V. Ingale, advocate for petitioner.
Mr. V.M. Kangne, AGP for the State.

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**CORAM : R.M. BORDE &
A.I.S. CHEEMA, JJ.
DATE : 12th JANUARY, 2016.**

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Heard.
2. Rule. Rule made returnable forthwith. With the consent of the parties, petition is taken up for final disposal at admission stage.
3. Agricultural land admeasuring 27 R belonging to petitioner was sought to be acquired for extension of gaathan. It is the contention of petitioner that in observance of the procedure prescribed under the Land

Acquisition Act, award came to be declared on 30.10.2012 and the amount of compensation was determined. The amount of compensation, according to petitioner, has not been disbursed. It is also contended by petitioner that possession of the acquired land, though award is declared in the year 1983, has not been taken over by the State Government and as such, in view of provisions of section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the proceeding in respect of acquisition shall be deemed to have lapsed. In order to substantiate his contention, petitioner has placed reliance on the panchanamas drawn by the revenue authorities on 26.11.2012 and 09.01.2013 whereunder it has been recorded that possession of the agricultural land to the extent of 27R is with the petitioner. Apart from this, it is disclosed in the affidavit-in-reply presented on behalf of respondents 2 and 3 that in response to the directives given by the S.D.O., Osmanabad, the Tahsildar, Tuljapur has made inquiry through concerned Circle Officer whereunder it has been revealed that possession of the disputed land is with the petitioner and the same has not been taken over by the State.

4. Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 reads thus :

24. Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases -

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894), where an

award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so choose, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act :

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.

In the instant matter, though award is declared in the year 1983, possession has not been taken over by the State Government and as such, the proceedings in respect of acquisition shall lapse and, it would be open for the State Government to initiate fresh proceedings for acquisition, if deemed essential.

5. In view of above, it is hereby declared that the proceedings in respect of acquisition initiated in respect of land gat no. 544 survey no. 162 to the extent of 27 R covered by the award declared by the Land Acquisition Officer on 31.10.1982 shall be deemed to have lapsed. Rule is accordingly made absolute. No costs.

(A.I.S. CHEEMA)
JUDGE

dyb

(R. M. BORDE)
JUDGE