

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

WRIT PETITION NO. 7227 OF 2014

Madhukar s/o Samratrao Shinde
& others

.. PETITIONERS

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. G.J. Karne, advocate for petitioners.
Mr. S.S. Dande, AGP for the State.
Mr. S.G. Sangle, advocate for respondent no. 4.

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CORAM : R.M. BORDE &

A.I.S. CHEEMA, JJ.

DATE : 16th FEBRUARY, 2016.

PER COURT :

1. Petitioners are raising objection to the award passed by the Land Acquisition Officer on 21.08.2008 and are praying for its quashment. It is not a matter of dispute that after declaration of award neither the amount of compensation has been paid nor possession of the land has been taken by the State Government. Learned AGP states on instructions that decision has been taken by the State Government to withdraw from acquisition and alternate land for the project of rehabilitation has been identified. It is further stated that the State Government does not need the land covered by the award which is subject matter of challenge in the instant petition.

2. In this view of the matter, since the State Government has taken decision to withdraw from acquisition and, in view of section 24 of the Right to Fair Compensation and Transparency in Land Acquisition Act, 2003,

since the amount of compensation has not been paid nor possession of the land has been taken although award is declared five years or more before enforcement of the new act, the acquisition proceeding shall be deemed to have lapsed.

3. In view of above, writ petition stands disposed of.

(A.I.S. CHEEMA)
JUDGE

(R. M. BORDE)
JUDGE

dyb