

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.2636 OF 2016**Janabai Namdev Arote Vs. The 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
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Mr.S.K.Shinde, advocate for the Petitioner.
Mr.B.V.Virdhe, A.G.P for the State.

**CORAM : S.V.GANGAPURWALA AND
A.I.S.CHEEMA, JJ.**

Date : 28.03.2016.

PER COURT :

1. Heard.
2. Mr.Shinde, learned counsel for the petitioner submits that though the award is passed in the year 1985, the Respondent have not deposited the amount of compensation nor have taken possession of the land of the petitioner under acquisition. In view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,2013, the acquisition proceedings itself stand lapsed. The learned counsel submits that earlier the Writ Petition was filed, wherein the Respondents also agreed to submit application U/s

48(1) of the Land Acquisition Act, 1894 to the State authorities in respect of deletion of the subject land.

3. Mr.Survase, learned counsel for Respondent No.4 acquiring body on instructions states that possession of the petitioners' land pursuant to the award of the year 1985 has not been taken by the Respondents and the possession of the writ land still is with the petitioners. The learned counsel agrees that the lands are not required by the acquiring body as the site of the said dam is changed.

4. Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 specifically lays down that where award U/s 11 of the Land Acquisition Act, 1894 has been made five (5) years or more prior to commencement of the Act of 2013 (i.e. 1.1.2014) but physical possession of the land has not been taken or compensation has not been paid, then the said proceedings are deemed to have lapsed.

5. As admitted by the respective parties that though the award is passed in the year 1985, possession is not yet taken by the Respondents, the acquisition proceedings stand lapsed in view of Section 24(2) of the Act.

6. In light of the above, the Writ Petition is allowed and the acquisition proceedings pursuant to the award as detailed in prayer

clause (A) stand lapsed. The petitioners may move the appropriate authorities with regard to the mutation entries which would be considered by the authorities expeditiously.

(A . I . S . CHEEMA , J .)

(S . V . GANGAPURWALA , J .)

Dt.28.03.2016.
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