

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5379 OF 2015

VILAS RAMRAO CHAVAN AND
GOVIND ABAJI CHAVAN THROUGH LR
VERSUS

1] THE STATE OF MAHARASHTRA
2] THE COLLECTOR, LATUR
3] THE SUB DIVISIONAL OFFICER UDGIR
& LAND ACQUISITION OFFICER.

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Advocate for Petitioners : Mr. Pratap G. Rodge
AGP for Respondents: Mrs. A.V. Gondhalekar.

CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.

DATE : 5th AUGUST , 2016.

PER COURT:

1] Rule. Rule made returnable forthwith. Heard finally by consent of parties.

2] Mr. Rodge, learned counsel submits that land of the petitioners from Survey No. 1 and Survey no.3 to the extent of 60R was acquired vide award dated 14.7.1998. The said land was acquired for the extension of Gaothan. Learned counsel for petitioner submits that petitioner has not received amount of compensation nor the respondents have taken possession of the said land acquired vide award dated 14.7.1998, as yet. In view of Section 24(2) of the The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 the acquisition stands lapsed.

3] Learned counsel submits that another land of the petitioner was acquired vide award dated 13.11.2000. The petitioner has received

compensation in respect of the said award and has also delivered possession. The said land is acquired for the storage tank.

4] Mrs. Gondhalekar, learned AGP submits that as far as acquisition vide award dated 30.11.2000 is concerned, the petitioners are paid compensation amount and possession is also taken. Construction of storage tank is also complete. learned counsel submits that petitioner has not annexed the copy of the award dated 14.7.1998. The acquisition does not stand lapsed.

5] We have considered the submissions. Present writ petition is limited to the extent of land acquired vide award dated 14.7.1998, the purpose of which is for extension of Gaathan. Respondent Nos. 2 and 3 have filed affidavit in reply. Para.2 of the affidavit in reply, states thus :-

"It is not at in dispute that the land owned by the Petitioners from survey nos. 1 and 3 admeasuring 60 R each of village Haldwadhona, Taluka Jalkot (Old Udgir), District Latur was acquired for the purpose of extension of Goathan. It is submitted that by following due procedure of law award came to be passed on 14-07-1998. The Respondent has also issued notice under section 12 (2) of the Land Acquisition Act for accepting compensation amount of award on 30/11/2002. Also the Respondent was informed to hand over possession of the acquired land but the Petitioner refused to take compensation amount and also refused to hand over possession."

6] Perusal of the said affidavit in reply, it is manifest that the respondent Nos. 2 and 3 categorically admit that the petitioners have not been paid compensation in respect of the land acquired under the award dated 14.7.1998, nor they have taken possession of the land acquired vide award dated 14.7.1998. Provisions of Section 24(2) of the The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and

Resettlement Act, 2013 are explicitly clear. In view of the fact that the respondents have not paid compensation for the land nor have taken possession of the land under the award dated 14.7.1998, the acquisition as such stands lapsed.

7] In the light of the above, it is declared that the acquisition of the land of the petitioners pursuant to the award dated 14.7.1998 stands lapsed. The present order would not be an impediment for the respondents to take fresh acquisition, if need so arises. Rule made absolute accordingly. No costs.

[K.K. SONAWANE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE.

grt/-