

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6774 OF 2014

Keshav Harihar Patwardhan and others. ... Petitioners.
V/s.
The State of Maharashtra and others. ... Respondents.

Abhijit J. Kandarkar for the petitioners.
Mrs.M.P.Thakur, AGP for respondent Nos.1 and 3 to 5.
S.M.Oak i/b. Sagar A. Joshi for respondent No.2.

CORAM : A.S. OKA AND C.V.BHADANG, JJ

DATED : 29th February 2016.

PC. :

Heard the learned counsel for the petitioners. He states that the petitioner No.8 is no more.

2. The land, which is the subject matter of this petition, is shown as reserved in the sanctioned development plan of Mangalwedha Municipal Council for the public purpose of Shopping Centre. On 29th December 2010, the petitioners served a notice under section 127 of the Maharashtra Regional and Town Planning Act, 1966 (for short "MRTP Act") to the Municipal Council and other authorities.

3. It is not in dispute that on 1st December 2011, a notification under sub-section (4) of section 126 of the MRTP Act read with section 6

of the Land Acquisition Act, 1894 (for short “Land Acquisition Act”) was issued by the Collector.

4. Thus, within the statutory period of 12 months provided under sub-section (1) of section 127 of the MRTP Act, a declaration under sub-section (4) of section 126 has been admittedly published. The contention in this petition is that as no award under section 11 of the Land Acquisition Act has been made, the acquisition has lapsed in view of section 11A of the Land Acquisition Act.

5. As far as the legal position is concerned, it is well settled. Section 11A of the Land Acquisition Act is not applicable to the acquisition under section 126 of the MRTP Act. In the circumstances, there is no merit in the petition. Even if an award is not made within the time stipulated under section 11A of the Land Acquisition Act, the acquisition would not lapse. The issue of the entitlement of the petitioners to the compensation in accordance with the provisions of the Right to Fair Compensation and Transparency of Land Acquisition, Rehabilitation and Resettlement Act, 2013 is kept open. The petitioners can always raise appropriate contentions in that behalf before the Collector/ Special Land Acquisition Officer.

6. Subject to what is noted above, no case is made for interference with this petition. The petitions is disposed of.

(C.V. BHADANG, J)

(A.S.OKA, J)