

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.957 OF 2016**

|                                     |                |
|-------------------------------------|----------------|
| Kisan Narayan Pawar                 | ...Petitioner  |
| vs.                                 |                |
| The State of Maharashtra and Others | ...Respondents |

Mr. Prabhanjan Gujar, for the Petitioner  
Mr. Vikas Mali, AGP for Respondent Nos. 1 to 4.  
Mr. Manoj Patil, for Respondent Nos. 5 to 7.

CORAM : SHANTANU KEMKAR &  
MAKARAND KARNIK, JJ.

DATE : **AUGUST 22, 2016**

PC.:

- . Parties through their counsel.
2. Through this Petition filed under Article 226 of the Constitution of India, the Petitioner has prayed for declaring the acquisition of the land i.e. 80R from Gat No. 1750 (old Gat No. 3220) situate at village Pal, Tal. Karad, Dist. Satara in pursuance to the award dated 30<sup>th</sup> December, 2000 published under Section 11 of the Land Acquisition Act, 1894 as lapsed.

3. According to the Petitioner, neither the possession of the

said land has been taken from the Petitioner nor he has been paid the compensation and therefore the acquisition of land in question stood lapsed. In support of his submission, the learned counsel for the Petitioner has placed reliance on Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short "*the Act*") as also the judgment passed by the Hon'ble Supreme Court in the case of **Pune Municipal Corporation and Anr. vs. Harakchand Misirimal Solanki and Ors., (201) 3 Supreme Court Cases, 183.**

4. The Respondents have filed reply. After going through para Nos. 15, 17, 18 and 20 of the reply we find that the State Government in its reply affidavit has categorically stated that neither the possession of the land in question was taken from the Petitioner nor the payment was made to the Petitioner. In fact the State has specifically stated that the land may be deleted from the acquisition.

5. Keeping in view the reply filed by the State more particularly the statement made in paras mentioned above and Section 24 of the Act as also the law laid down by the Supreme Court

in **Pune Municipal Corporation** (supra), we are of the view that the Petition deserves to be allowed as the acquisition stands lapsed.

6. As a result, the Petition is allowed. The acquisition of the land i.e. 80R from Gat No. 1750 (old Gat No. 3220) situate at village Pal, Tal. Karad, Dist. Satara stands lapsed. The consequential action to follow immediately.

7. No order as to the costs.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)