

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10780 OF 2014

Jagannath Shankar Desai (Deshmukh)
Through its power of attorney holder
Pradeep Jagannath Desai and Others ...Petitioners
vs.
The State of Maharashtra and Others ...Respondents

Mr. N.J. Patil, for the Petitioners
Ms. Nisha Mehra, AGP for the Respondents-State.

CORAM : SHANTANU S. KEMKAR &
PRAKASH D. NAIK, JJ.

DATE : **DECEMBER 20, 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. 1 Hectare 11 Acres at village Kolewadi and 1 Hectare 75 Are at village Kusur, Tal. Karad, District Satara (notified as land admeasuring 80 Acres, Gat No. 114, village Kusur) in pursuance to the award dated 25th March, 2003 passed by the Special Land Acquisition Officer No. 4, Satara, have lapsed due to passage of time.

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 & Ors.**¹.

4. The Respondents have filed reply. After going through the reply, we find that the State Government in its reply affidavit has categorically stated that the actual physical possession of the subject land is with the Petitioner and the Petitioner has not taken compensation of the said land from their office.

5. Keeping in view the reply filed by the State more particularly the statement made in para No. 2 mentioned above and Section 24 of the Act of 2013 as also the law laid down by the

¹ (2014) 3 Supreme Court Cases 183.

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 of the land i.e. 1 Hectare 11 Acres at village Kolewadi and 1 Hectare 75 Are at village Kusur, Tal. Karad, District Satara (notified as land admeasuring 80 Acres, Gat No. 114, village Kusur, Tal. Karad, District Satara stands lapsed. The consequential action to follow immediately.

7. No order as to the costs.

(PRAKASH D. NAIK, J.)

(SHANTANU S. KEMKAR, J.)