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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11957 OF 2013

Manojkukmar I. Naik

... Petitioner

Versus

Executive Engineers, PWD, Daman
and Ors.

... Respondents

Mr. Kishore Patil for the petitioners.

Mr. S.S. Deshmukh for R. Nos. 1 to 3.

Ms.R.M. Shinde, AGP for the State.

**CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.
DATED : OCTOBER 24, 2016.**

P.C.

Parties through their counsel.

2. Petitioners have challenged the notification dated 8.11.2013 issued under Section 4 of the Land Acquisition Act, 1894 as also notification dated 10.12.2013 issued under section 6 of the Act of 1894 for acquiring the land for commercial Air Port terminal at Daman. At the initial stage, when the petition was listed, an oral statement has been made by the learned counsel for respondent

nos. 1 to 3 that they will not take possession of the land in question. That oral undertaking is still in force.

3. During the pendency of this petition, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 came into force with effect from 1.1.2014 (for short Act of 2013). Section 24(1)(a) of the Act of 2013 reads as under :

“Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894) -
(a) where no award under Section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or”

4. It is thus clear that since respondent nos. 1 to 3 have admittedly not taken the possession. In the circumstances, if they wish to continue with the acquisition proceedings which is impugned herein, they can do so only under the provisions of the Act of 2013.

5. Learned counsel for Respondent nos. 1 to 3 has fairly conceded that as on today, no award is passed in pursuance of the impugned notifications which are subject matter of the petition. He also concedes that the possession of the land in question is not with them.

6. In view of the above circumstances, as per the provisions of Section 24 of the Act of 2013, the acquisition initiated in the impugned notifications has been lapsed. Needless to mention that the respondents are at liberty to initiate fresh acquisition proceedings, if they so desire, under the Act of 2013.

7. With the aforesaid observations, petition is disposed of.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)