

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1450/2016

(HIRALAL KISAN GAJBHIYE **VERSUS** STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. R.D. Raskar, counsel for the petitioner.
Shri P.S. Tembhare, A.G.P. for the R-1 to 4.

CORAM : SMT.VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : APRIL 13, 2016.

By this writ petition, the petitioner seeks a direction to the respondents to award the compensation in pursuance of the notification under Section 4(1) of the Land Acquisition Act, 1894 in accordance with the mechanism provided under the Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in respect of the house properties belonging to the petitioner.

Admittedly, the Section 4 notification was issued by the State Government on 23.07.2013 and the Section 6 notification is not issued at all. In the absence of the issuance of Section 6 notification within a period of one year from the date of publication of the Section 4 notification, the land cannot be acquired. Also, it is stated by the learned Assistant Government Pleader by referring to a communication issued by the acquiring body to the respondent no.4-Special Land Acquisition Officer, dated 24.04.2014 that the proceedings in the acquisition of the land in question are required to be closed for the reasons stated in the communication. It is also stated by the learned Assistant Government Pleader that it appears from the communication that at the time of issuance of the communication, the acquiring body was not desirous of acquiring the land. In view of the provisions of Section 6 of the Land

Acquisition Act, that requires the issuance of the notification under Section 6 within a period of one year from the issuance of the Section 4 notification, it is clear that the land of the petitioner cannot be acquired in pursuance of the Section 4 notification issued in July-2013. The prayer made by the petitioner, therefore, cannot be granted.

The writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

APTE