

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8652 OF 2016

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| <p>1. Sudhamati Shrihari Shere,
Age-50 years, Occu-Agri,
R/o. Undegaon, Tq. Paranda,
Dist. Osmanabad</p> <p>2. Bidishan Rokhade Shere,
Age-46 years, Occu-Agri,
R/o. As above</p> <p>3. Dnyaneshwar Baban Koli,
Age-37 years, Occu-Agri,
R/o. As above</p> <p>4. Mohan Ram Billare,
Age-42 years, Occu-Agri,
R/o. As above</p> <p>5. Sanjay Shrihari Shere,
Age-38 years, Occu-Agri,
R/o. As above</p> <p>6. Rajendra Shrihari Shere,
Age-35 years, Occu-Agri,
R/o. As above</p> | <p>.. Petitioners</p> |
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Versus

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| <p>1. The Collector, Osmanabad</p> <p>2. The Special Land Acquisition Officer,
Medium Project, Panda,
Tq. Panda, Dist. Osmanabad</p> | <p>.. Respondents</p> |
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Mr.Abhijit S. More, Advocate for the petitioner
Mr.K.D.Mundhe, AGP for the respondent/State

**CORAM : S.V. GANGAPURWALA &
S.M. GAVHANE, JJ.
DATED : 04.10.2017**

ORAL JUDGMENT [PER: S.V. GANGAPURWALA, J.]

. Rule. Rule made returnable forthwith. With the consent of parties taken up for final hearing.

2. Mr. More, learned counsel for the petitioner states that the land of the petitioner is acquired pursuant to the final award dated 21.11.2009. Though the award is passed on 21.11.2009, the compensation amount has not yet been paid.

3. Learned counsel submits that in view of Sub-Section (2) of Section 24 of the Right to Fair and Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the acquisition stands lapsed.

4. Learned AGP, on instructions, states that fresh award would be passed as per Act, 2013. The amount as per the award of 2009 could not be deposited for lack of funds.

5. It is not disputed that the land of the petitioner as detailed in the award dated 21.11.2009 has

been acquired. It is also admitted that compensation amount as detailed in the said award with regard to the respective petitioners have not been paid to the petitioners. The reasons given by the respondent is lack of funds.

6. Be that as it may, more than eight years have passed, the amount of compensation is not paid. Sub-Section (2) of Section 24 of the said Act, 2013 would come into operation and acquisition pursuant to the award stands lapsed.

7. In the light of the above the acquisition pursuant to the award dated 21.11.2009, to the extent of present petitioners and their lands as detailed in the said award, stands lapsed. The Respondents, if they so chose may initiate fresh proceedings under the Act, 2013 within a period of three months and complete the same as stipulated in the said Act, 2013.

8. The writ petition accordingly stands allowed. Rule made absolute accordingly. No costs.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]