

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

WRIT PETITION NO. 8103 OF 2016

1. Droupadabai Gabaji Arote,
Age : 48 Years, Occu. : Agril.,
2. Ramdas Laxman Arote,
Age : 52 Years, Occu. : Agril.,
3. Tulshiram Nana Arote,
Age : 35 Years, Occu. : Agril.,
4. Babji Nana Arote,
Dead Through L.Rs.
- 4A) Nivrutti Babji Arote,
Age : 58 Years, Occu. : Agril.,
- 4B) Balasaheb Babji Arote,
Age : 55 years, Occu. : Agril.,
- 4C) Ramesh Babji Arote,
Age : 50 Years, Occu. : Agril.,
5. Bhagubai Tukaram Mohote,
(Dead through L.R.)
- 5-A Karbhari Tukaram Mohote,
Age : 60 years, Occu. : Agril.,
6. Deoka Bahiru Arote,
(Dead Through legal heirs)
- 6A) Dattatraya Deoka Arote,
Age : 55 Years, Occu. : Agril.,

7. Thaka Govind Arote,
(Dead through L.R.)
- 7-A Ravindra Thaka Arote,
Age : 60 Years, Occu. : Agril.,
8. Haribhau Laxman Arote,
Age : 43 Years, Occu. : Agril.,
9. Laxman Shivram Arote,
Dead Through L.Rs.
- 9A) Haribhau Laxman Arote,
Age : 59 Years, Occu. : Agril.,
- 10 Babu Mahadu Mohote,
Dead through L. R.
- 10A) Madhukar Babu Arote,
Age : 41 Years, Occu. : Agril.,
11. Karbhari Bandu Arote,
Age : 50 Years, Occu. : Agril.,
12. Sitaram Santu Arote,
Age : 50 Years, Occu. : Agril.,
13. Ramkrishna Bajaba Arote,
Age : 70 Years, Occu. : Agril.,
14. Sundarlal Sumatilal Gujrathi,
Age : 80 Years, Occu. : Agril.,
15. Mhatarba Tukaram Arote,
Age : 55 Years, Occu. : Agril.,
16. Bhalchandra Tukaram Arote,
Dead through L.R.

- 16A) Namdeo Tukaram Arote,
Age : 70 Years, Occu. : Agril.,
17. Dattatraya Bhau Arote,
Age : 65 Years, Occu. : Agril.,
18. Pandharinath Namdeo Arote,
Age : 70 Years, Occu. : Agril.,
19. Chandrabhan Namdeo Arote,
(Dead through L.R.)
- 19-A Ramakant Chandrabhan Arote,
Age : 52 Years, Occu. : Agril.,
20. Mana Bala Arote,
Age : 70 Years, Occu. : Agril.

All R/o Chitalvedhe, Tq. Akole,
Dist. Ahmednagar.

.. Petitioners

Versus

1. The State of Maharashtra,
Through its Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai - 32.
2. The Additional Commissioner,
Nashik Division, Nashik.
3. The Collector, Ahmednagar,
Dist. Ahmednagar.
4. The Land Acquisition Officer No. 13,
Having its office at Ahmednagar,
Tq. & Dist. Ahmednagar.

5. The Executive Engineer,
Uppar Pravara Dam Division,
Sangamner (Ghulewadi),
Tq. Sangamner, Dist. Ahmednagar. .. Respondents

Shri S. K. Shinde, Advocate for Petitioners.

Shri K. D. Mundhe, A.G.P. for Respondent Nos. 1 to 4.

Shri B. R. Surwase, Advocate for the Respondent No. 7.

**CORAM : S. V. GANGAPURWALA AND
S. M. GAVHANE, JJ.**

DATE : 09TH NOVEMBER, 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. Shinde, the learned advocate for petitioners submits that, the lands of the petitioners were acquired for the purpose of dam under different awards from the year 1980 to 1986. The learned counsel further submits that, though the awards are passed, amount is paid to petitioners as per the awards, the respondents did not take possession of the lands and the possession till today is with petitioners. The learned counsel further submits that, in view of Sec. 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short "Act of 2013"), the acquisition stands lapsed.

3. Mr. Surwase, the learned counsel for the respondent No. 5/acquiring body accepts that, acquiring body has not taken possession of petitioners land and the acquiring body is not in need of the said land as site of the dam has undergone change.

4. As it is admitted that awards in respect of petitioners' acquired lands were passed in the year 1980 to 1986 and that possession has not yet been taken by respondents, acquisition stands lapsed in view of Sec. 24(2) of the Act of 2013.

5. Even otherwise the affidavit is filed by the acquiring body stating that it does not require lands for the purpose of dam. The site has undergone change. Petitioners have already withdrawn the amount of compensation.

6. Considering the above, we pass following order.

7. Rule is made absolute in terms of prayer clause "A" to the extent of petitioners. No costs.

8. However, the petitioners shall refund the amount they have received pursuant to said awards to the respondents along with interest at the rate of 6% per annum from the date they have received the amount till repayment. It is only after the

repayment is made, the name of the State of Maharashtra be removed from the revenue record.

Sd/-

[S. M. GAVHANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

bsb/Nov. 17