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

WRIT PETITION NO. 11161 OF 2016

**NATHA SAGAJI SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Advocate for Petitioner : Mote Krushna D
AGP for Respondents: Mr.S.B.Yawalkar for R.1 to 5.**

CORAM : S.C.DHARMADHIKARI &
MANGESH S. PATIL,JJ.**

DATE : 26/07/2017

PER COURT :-

From perusal of the order dated 17/1/2017 on this petition it is apparent that some proceedings were taken under the Land Acquisition Act, 1894 in relation to the petitioner's land. After making an award, the further steps and particularly necessary for vesting the land in the Government have not been taken (Section 16).

2] By Section 114 of the New Law viz. Act No.XXX of 2013 the Land Acquisition Act 1894 is repealed.

3] Once that law is repealed, there is no acquisition within the meaning of either the Land Acquisition Act, 1894 or the Act No.XXX of 2013. The land continues to be in possession of the petitioner. If

there is any attempt to interfere with the possession or obstruct enjoyment of the property by the petitioner, the petitioner can approach competent Civil Court and obtain such reliefs as are permissible in law. The Writ Petition is entirely misconceived for no declaration is needed in terms of prayer Clauses of the Petition. In law, the acquisition lapses and not the award. Here there is no acquisition therefore, there is no question of any declaration of lapsing. With this clarification, the Writ Petition is disposed of.

(MANGESH S. PATIL,J.)

(S.C.DHARMADHIKARI,J.)

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